FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

ENTIRE EXECUTIVE CIVIL SERVICE

Effective upon publication in the FEDERAL REGISTER, paragraph (h) § 6.101 is amended as set out below.

§ 6.101 *Entire executive civil service.* * * *

(h) Any position in a foreign country or beyond the continental limits of the United States, when in the opinion of the Commission, appointment through competitive examination is impracticable, except as provided in paragraphs (i) and (j) of this section and except: Positions in Hawaii, Puerto Rico and the Virgin Islands; in the Immigration and Naturalization Service, all positions in Canada and Mexico, and continuing positions at GS–7 and above in Cuba, positions in the Bureau of Customs, Treasury Department, in foreign countries; General Accounting Office positions in foreign countries.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F R. Doc. 55–1174; Filed, Feb. 9, 1955; 8:47 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, subparagraphs (7) (8) and (9) of paragraph (a) of § 6.342 are amended as set out below.

§ 6.342 *Housing and Home Finance Agency*—(a) *Office of the Administrator* * * *

(7) Community Facilities Commissioner.

(8) Urban Renewal Commissioner.

(9) Deputy Urban Renewal Commissioner.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F R. Doc. 55–1196; Filed, Feb. 9, 1955; 8:53 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

[Docket No. A016–A4]

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

ORDER AMENDING ORDER, AS AMENDED

It is hereby ordered that on and after the effective date hereof, the handling of anti-hog-cholera serum and hog-cholera virus shall be in conformity to, and in compliance with, the terms and conditions of "Order Amending the Order, as Amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus" which was annexed to and made a part of the decision of the Secretary of Agriculture, issued December 17, 1954 (19 F R. 8782) with respect to proposed amendments to the said marketing agreement and order, as amended. All of the findings, terms, and conditions of the aforesaid order, as amended, shall be and hereby are the findings, terms, and conditions of this order as if set forth in full herein.

The aforesaid findings are hereby supplemented by the following additional findings and determinations:

§ 131.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Upon the basis of the

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

evidence introduced at the hearing, and the record thereof, it is hereby found that: (1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act; (2) The said order, as amended, and as hereby further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that the agreement, amending the marketing agreement, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus upon which a public hearing has been held, has been signed by handlers who, during the marketing year 1953, handled not less than 75 per centum of the volume of anti-hog-cholera serum and hog-cholera virus which was handled in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce.

The provisions of this amended order shall become effective 30 days after its publication in the FEDERAL REGISTER. *Provided, however* That handlers of modified and inactivated viruses shall not be required to post the prices of such products until the form of price list contained in § 131.251 of the rules and regulations of the Control Agency (9 CFR 131.251) shall have been revised and made effective.

The provisions with respect to the payment of assessments are essentially the same as those in the order prior to this amendment, and any payments due under the order and not paid prior to the effective date of this order shall be due upon the effective date of this order.

1. Amend § 131.4 to read as follows:

§ 131.4 *Serum or virus*—(a) *Serum.* Anti-hog-cholera serum manufactured in compliance with standards and regulations promulgated by the United States Department of Agriculture, or manufactured under license or authority of any State or otherwise, and marketed in interstate and foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce.

(b) *Virus.* Virulent, modified, or inactivated hog-cholera virus, or any derivative or variation of hog-cholera virus, which is used alone or in connection with anti-hog-cholera serum to protect hogs against hog cholera, manufactured in compliance with regulations promul-

gated by the United States Department of Agriculture, or manufactured under license or authority of any State or otherwise, and marketed in interstate or foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce.

2. Wherever the words "serum and virus" "serum and/or virus" and "anti-hog-cholera serum and hog-cholera virus" occur in §§ 131.5, 131.7, 131.8, 131.9, 131.10, 131.11, 131.58, 131.71, 131.73, 131.74, 131.77, delete the words "and" and "and/or" therefrom and substitute therefor the word "or"

3. Add § 131.16 to read as follows:

§ 131.16 *Dollar volume.* The sum of money received from the total yearly sales of serum and virus less any credit allowed for returned serum and virus.

4. Add paragraph (d) to § 131.42 to read as follows:

(d) Any funds derived from assessments or any other source which have not been expended by the Control Agency at the end of a calendar year shall be carried over by the Control Agency, to be expended during the succeeding calendar year.

5. Amend § 131.43 to read as follows:

§ 131.43 *Method of wholesaler handler assessments.* (a) As his pro rata share of the expenses of the Control Agency to be borne by all wholesaler handlers, each wholesaler handler shall pay to the Control Agency a sum computed on the basis of the dollar volume of serum and virus marketed by such handler during the preceding calendar year at the following applicable rates:

(1) Ten thousand dollars, or less—$25.00;

(2) Over ten thousand dollars—at a rate per ten thousand dollars, or fraction thereof, to be fixed by the Secretary based upon the ratio between the dollar volume of marketings of each wholesaler handler whose marketings are in excess of ten thousand dollars and the total dollar volume of marketings of all wholesaler handlers whose marketings are in excess of ten thousand dollars.

(b) The pro rata share of all wholesaler handlers shall be obtained by assessing the first ten thousand dollars or less of the dollar volume of serum and virus marketed by each wholesaler handler, and if the sum obtained is not sufficient to cover the total amount of the pro rata share of all wholesaler handlers such additional amounts as are necessary to be assessed shall be assessed in the manner set forth in paragraph (a) (2) of this section. If the total sum obtained by assessing the first ten thousand dollars, or less, of the dollar volume of serum and virus marketed by each wholesaler is greater than the pro rata share of all wholesaler handlers, the rate of assessment for ten thousand dollars, or less, shall be adjusted by the Secretary to an amount that will return the sum necessary to cover the pro rata share of all wholesaler handlers. The amount of each wholesaler handler's pro rata share shall be computed by the disinterested agency selected under the provisions of § 131.46. Such pro rata share shall be subject to the approval of the Secretary The pro rata share of each wholesaler handler shall be paid as follows: $25.00 on or before January 15, of each year beginning with the year 1955, and the remaining sum, if any within fifteen (15) days after being billed therefor. Such payments shall be made to the disinterested agency which shall transmit the total amount received to the Control Agency without disclosing the amount paid by each handler. In the event the Secretary adjusts the pro rata share of each wholesaler handler to an amount less than $25.00, the excess paid shall be credited on such handler's pro rata share of the following year's assessment.

6. Amend § 131.45 to read as follows:

§ 131.45 *Method of manufacturer handler's assessment.* The pro rata share of expenses to be paid by each manufacturer handler shall be based upon such handler's percentage of the total dollar volume of serum and virus marketed by all such handlers during the preceding calendar year. The amount of each manufacturer handler's pro rata share shall be computed by the disinterested agency selected under the provisions of § 131.46. The pro rata share of each manufacturer handler shall be paid as follows: An amount equal to one-half of the previous year's assessment shall be due and payable on or before February 1 of each year, and the remaining balance assessed shall be due and payable on or before July 1 of each year, beginning with the year 1955. Such payments shall be made to the disinterested agency which shall transmit the amount received to the Control Agency without disclosing the amount paid by each handler.

7. Amend § 131.46 to read as follows:

§ 131.46 *Reports.* (a) On or before March 15, 1955, and on or before March 15 of each year thereafter, each handler shall furnish the Secretary, through a disinterested agency to be selected by the Control Agency and approved by the Secretary, a report, which shall be sworn to, setting forth the dollar volume of serum and virus marketed by such handler during the preceding calendar year, and the cubic centimeter volume of serum and virus marketed by such handler during the preceding calendar year. On or before June 1 of each year, each manufacturer handler shall file a report with the Secretary which shall be sworn to, setting forth the quantity of completed serum such handler had on hand on May 1 of such year.

(b) The disinterested agency shall make reports to the Secretary with respect to the marketings of serum and virus and collections of assessments under this part upon request therefor by the Secretary and shall promptly transmit to the Control Agency all sums of money received by it from handlers in payment of assessments. The Secretary shall inform the agency concerning the total amount of the pro rata share of manufacturer handlers and the total amount of the pro rata share of wholesaler handlers of the expenses of the Control Agency.

(49 Stat. 781–782; 7 U. S. C. 851–855)

Done at Washington, D. C., this 7th day of February 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F R. Doc. 55–1199; Filed, Feb. 9, 1955; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6112]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BOND SEWING STORES

Subpart—*Advertising falsely or misleadingly:* § 3.70 *Fictitious or misleading guarantees;* § 3.170 *Qualities or properties of product or service;* § 3.200 *Sample, offer or order conformance.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1900 *Source or origin.* Foreign product as domestic. Subpart—*Offering unfair improper and deceptive inducements to purchase or deal.* § 3.1980 *Guarantee, in general;* § 3.2060 *Sample, offer or order conformance.* In connection with the offering for sale, sale, or distribution of sewing machine heads, or sewing machines, in commerce: (1) Offering for sale, selling, or distributing foreign-made sewing machine heads or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads the country of origin thereof, in such a manner that it cannot readily be hidden or obliterated; (2) representing, directly or indirectly that sewing machine parts are guaranteed for 10 years, or any other period of time, when such parts are in fact unobtainable; (3) representing in any manner, a sewing machine as operable and as satisfactory for everyday usage by one without special knowledge or training, when in fact it is not operable at all, or when in fact it can be operated only with special precautions; (4) the use of any sales plan or procedure involving the use of deceptive or misleading statements or representations in advertising which are designed to obtain leads or prospects for the sale of other or different merchandise than that advertised; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, William R. Pearsall et al. d. b. a. Bond Sewing Stores, Long Island, N. Y., Docket 6112, Nov. 23, 1954]

In the Matter of William R. Pearsall, Francis Colucci and Aaron Silverman, Copartners Doing Business as Bond Sewing Stores

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission which charged respondents with the use of unfair methods of competition and unfair and deceptive acts and practices in commerce in violation of the provisions of the Federal Trade Commission Act, in the sale

to the purchasing public of sewing machines, inadequately marked to show foreign origin, with resulting deception of purchasers, and in "bait" advertising of low-priced machines, as a means of selling more expensive products; respondents' answer; hearings at which testimony was offered in support of the complaint; further hearings, following the amendment of the complaint; denial of motion to dismiss the complaint; and the reception of evidence offered by respondents.

Thereafter, following the filing in the office of the Commission of the testimony and other evidence in the case, the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, on the complaint, the answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel, and said examiner, having duly considered such record, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion[1] drawn therefrom, and order to cease and desist.

Thereafter, counsel supporting the complaint "having seasonably filed a notice of his intention to appeal from said initial decision, but no appeal brief having been filed within the time provided by the Commission's Rules of Practice," said initial decision, "pursuant to Rules XXII and XXIII of the Commission's Rules of Practice," "did automatically on November 23, 1954, become the decision of the Commission" as set forth in the "Order of the Commission" issued January 24, 1955.

The order to cease and desist in said initial decision, which thus became that of the Commission, is as follows:

It is ordered, That the respondents William R. Pearsall, Francis Colucci and Aaron Silverman, individually and as copartners, doing business as Bond Sewing Stores or under any other name, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of sewing machine heads, or sewing machines, in commerce as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from.

1. Offering for sale, selling or distributing foreign-made sewing machine heads or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads the country of origin thereof, in such a manner that it cannot readily be hidden or obliterated.

2. Representing, directly or indirectly that sewing machine parts are guaranteed for 10 years, or any other period of time, when such parts are in fact unobtainable.

3. Representing in any manner, a sewing machine as operable and as satisfactory for everyday usage by one without special knowledge or training, when in fact it is not operable at all, or when in fact it can be operated only with special precautions.

4. The use of any sales plan or procedure involving the use of deceptive or misleading statements or representations in advertising which are designed to obtain leads or prospects for the sale of other or different merchandise than that advertised.

By said "Order of the Commission" which announced fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 24, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-1182; Filed, Feb. 9, 1955; 8:49 a. m.]

[1] Filed as part of the original document.

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 61]

PART 1617—REGISTRATION CERTIFICATES

ISSUING OF DUPLICATE CERTIFICATE

The Selective Service Regulations are hereby amended as follows:

1. The center heading immediately preceding § 1617.10 is amended to read as follows: "Issuing a Duplicate of Registration Certificate"

2. Section 1617.11 is amended to read as follows:

§ 1617.11 *Issuing of Duplicate Registration Certificate.* (a) Upon receipt of an application made on Application for Issuance of Duplicate Registration Certificate (SSS Form No. 5) from a registrant who has been separated from active duty in the armed forces, the local board with which the registrant is registered shall issue a duplicate Registration Certificate (SSS Form No. 2) to such registrant. The local board shall not issue more than one duplicate Registration Certificate (SSS Form No. 2) to a registrant under this paragraph after each time he is separated from active duty in the armed forces.

(b) A duplicate Registration Certificate (SSS Form No. 2) shall be issued to a registrant by the local board with which he is registered upon application made on Application for Issuance of Duplicate Registration Certificate (SSS Form No. 5) and the presentation of satisfactory proof to the local board that the Registration Certificate (SSS Form No. 2) of the registrant has been lost, mislaid, stolen, or destroyed, and that the registrant has made a diligent search for the Registration Certificate (SSS Form No. 2) and has been unable to find it.

(c) When the local board issues a duplicate Registration Certificate (SSS Form No. 2) it shall mark it "Duplicate" and note the issuance of such Registration Certificate (SSS Form No. 2) upon the application which shall be filed in the registrant's Cover Sheet (SSS Form No. 101)

(Sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 460; E. O. 9979, July 20, 1948, 13 F. R. 4177; 3 CFR, 1948 Supp.)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY, *Director of Selective Service.*

FEBRUARY 7, 1955.

[F. R. Doc. 55-1193; Filed, Feb. 9, 1955; 8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 1073; FCC 55-141]

[Rules Amdt. 16-12]

PART 16—LAND TRANSPORTATION RADIO SERVICES

MISCELLANEOUS AMENDMENTS

Amendment of Part 16, rules governing Land Transportation Radio Services, to establish a Motor Carrier Radio Service and to make other related changes.

1. This proceeding was initiated on November 4, 1953, by a notice of proposed rule making (18 F. R. 7255) proposing to create a Motor Carrier Radio Service which would replace the Highway Truck, Intercity Bus, and Urban Transit Radio Services. On September 1, 1954, the Commission adopted the First Report and Order in which it made final the part of the proposal relating to the carriers of passengers and issued a notice of further proposed rule making (19 F. R. 5836) with respect to the carriers of property

2. The following reasons for issuing a further notice of proposed rule making were given in the First Report and Order:

> The [original] proposal, by lifting the existing limitation on communications within a single metropolitan area, would permit a host of miscellaneous cartage and delivery vehicles in every city to qualify in the new service. Such widespread use for dispatching, pickups and deliveries would soon result in overloading the frequencies, degrading the service and seriously impairing its usefulness. While the trucking industry presently operating in the Highway Truck Service appears to have a requirement for intercity use of radio and we intended to answer that need in our proposal, we had no evidence of the existence of a similar need on the part of the above-mentioned purely local operators of delivery services. Nor have they shown a need in this proceeding. Similarly, we have no sufficient evidence that such need as the trucking industry may have for intracity use of radio may not be adequately met by something less than a complete removal of the existing metropolitan area restriction. Finally, we are unable on this record to determine which frequencies are best suited

for these intracity communication needs. It would appear that those needs could in many cases be met by the use of the frequencies in the 450–460 Mc band, with the 43 Mc frequencies used only for longer range communication.

3. The Notice of Further Proposed Rule Making requested comments directed towards the issues specified in the notice. The time to file original comments and replies thereto relative to this notice expired on October 15 and 25, 1954, respectively. Comments were received from the American Petroleum Institute, the American Trucking Association, General Electric Company Motorola, Inc., The National Bus Communications, Inc., The Private Carrier Conference, Inc., RCA, and West Machinery Company, Inc.

4. The first two issues related to the questions of (1) whether eligibility of carriers of property in the Motor Carrier Radio Service should be limited to common carriers and (2) whether and, if so, to what extent, contract carriers of property should be eligible in the Motor Carrier Radio Service. The American Trucking Association urged in its comments that no distinction should be made between the common and contract carriers of property and that while so far the former have been the principal users of radio, there is a potential demand for such communications among the latter. We conclude that both types of property carriers may qualify in this service.

5. The Private Carrier Conference, Inc., West Machinery Company Inc., and the American Petroleum Institute requested that private carriers of property, including the distributors of liquid petroleum gas, be included in the eligibility provision in this service. Private carriers of property are those persons who are not engaged in the trucking business, as such, but who operate trucks only as an adjunct to their regular business which is something else than the carriage of property for compensation. The initial Notice of Proposed Rule Making in this matter proposed, among other things, to transfer certain trucking operations, other than those of common and contract carriers, to the Special Industrial Radio Service or to other services in which their operators are found qualified. This was predicated on the theory that the functions performed by private truckers place them more properly, for licensing purposes, in one of the industrial services rather than the Land Transportation services. This concept was favorably received by persons commenting in response to the initial notice and the proposed separation was made final in the First Report and Order herein.[1] Accordingly this matter was not included in the Notice of Further Proposed Rule Making, and is no longer an issue in the proceeding now before us. The above-mentioned request may not, therefore, be granted. Similarly, no useful purpose would be served by holding an oral argument and hearing regarding this issue as requested by West Machinery Company Inc.[2]

6. The third issue specified in the Notice of Further Proposed Rule Making was as follows:

> To what extent should carriers of property eligible in the Motor Carrier Radio Service be permitted to use radio within the city limits of cities, under what conditions or limitations, if any, and on what frequencies.

The American Trucking Association went on record stating that, "In no case does it propose to use radio in handling the transportation of freight where both its initial pickup and final delivery occur within the same standard metropolitan area." This limitation according to the ATA would automatically eliminate the possibility that a host of miscellaneous cartage and delivery vehicles would qualify for authorizations in this service as was feared would have been the case under the original Commission proposal in this docket. To the extent that local pickup and deliveries form a part of an intercity, interstate or international shipment, the ATA urged that the use of radio should be permitted in connection therewith.

7. With respect to the assignment of the 40 Mc and 450 Mc frequencies, the ATA made the following comment:

> Carriers of property eligible in the Motor Carrier Radio Service should be permitted to use frequencies either in the 40–50 Mc band or the 450–460 Mc band if engaged in transporting property in intercity or interstate commerce. Local cartage operations, confined to a single metropolitan area handling the pickup or delivery of property moving in intercity and interstate commerce, should be restricted to the use of frequencies in the 450–460 Mc band unless it can be conclusively shown that the area to be covered, the terrain or other separating conditions required the assignment of frequencies in the 40–50 Mc band."

General Electric commented that the VH frequencies were best suited for long range operations and the UHF were suitable for short range. Dual equipment requirements, however, G. E. stated would be unrealistic. Motorola, Inc. recommended the use of 450–460 Mc band for this service because it is less congested than the VHF and free from skip interference. RCA, on the other hand, contends that 40 Mc frequencies should be allocated to the truckers, since the UHF due to its short range, will not meet their needs.

8. On the basis of the comments herein and our experience with this service, we have concluded that it would be in the public interest to adopt a rule which would permit the common and contract carrier of property to use the 40 Mc frequencies when they engage in the transportation of property between urban areas, i. e., for long range communications. These frequencies will be available for communications with vehicles when such vehicles are themselves engaged in the transportation of property between urban areas regardless of whether the vehicles at the time a particular communication takes place are within or without such area. Also, these frequencies will be available for communications with vehicles used to supervise, tow, repair or maintain such vehicles engaged in interurban transportation. Urban area has been defined as one or more contiguous, incorporated or unincorporated, cities, boroughs, towns, or villages having aggregate population of 2,500 or more persons.

9. The carriers who engage in the local distribution or collection of property which is destined for intercity interstate or international shipments and who, by virtue of this fact, are eligible in this service, may be assigned only the frequencies in the 450–460 Mc band, on the theory that their communications needs are short range and are confined to built up urban areas for which these frequencies are suitable.

10. In addition to seeking a solution to the foregoing three issues, the Notice of Further Proposed Rule Making proposed to assign nine frequencies between 43.70–44.02 Mc for the exclusive use of property carriers. Three frequencies (44.06, 44.10 and 44.14 Mc.) which in the First Report and Order herein were tentatively allocated to intercity passenger carriers, were also placed in issue in this proceeding to determine whether they should finally be given to them or the carriers of property. The NBCI on behalf of intercity passenger carriers originally requested ten exclusive frequencies. The Commission in the First Report and Order firmly allocated seven exclusive frequencies between 44.06 and 44.42 Mc to these users and tentatively allocated three others, subject to a comparative showing of need between carriers of passengers and property in lieu of the eleven frequencies between 44.18 and 44.58 Mc initially proposed in this proceeding.

11. The NBCI in its comment herein requested that the block of frequencies allocated to intercity passenger carriers start at 43.70 Mc instead of 44.18 Mc. Since the majority of the present assignments are concentrated between 43.90 and 43.98 Mc, an allocation starting at 43.70 Mc would include these assignments and thereby reduce the expenses of the industry in conforming to the final allocation plan. The ATA filed a reply comment expressing no objection to that part of the NBCI's request and we are granting it to the extent consistent with the disposition made below of the three frequencies which were placed in issue, i. e., the band exclusively allocated herein to the carriers of passengers starts at 43.70 Mc and ends at 43.94 Mc.

12. With respect to the three frequencies in issue as between the carriers of passengers and property the ATA on behalf of the trucking industry and the NBCI on behalf of the intercity buses requested that these three frequencies be allocated to their respective industries. Each, however, in turn, disclaimed any intention by its recommendation to question the need of the other industry for

[1] It is noted that the American Petroleum Institute, in its exceptions to the proposed Special Industrial Rules in Docket 9703, filed Nov. 19, 1954, "reiterates that it has no objection to this transfer of eligibility from the Highway Truck Service to the Special Industrial Radio Service."

[2] It is pointed out, in this connection, that the extent of eligibility of certain private truckers in the Special Industrial Radio Service is still in issue in Docket 9703 and may be the subject of an oral argument before the Commission in connection with that proceeding.

these three frequencies.[3] The ATA based its claim for the three frequencies on the importance of the trucking industry to the national economy its rapid growth and its need for radiocommunications which, it claims, to date, has not been satisfactorily met.

13. The NBCI justified its request for these three frequencies as follows:

> Based upon our operating experience of several years, a sound structure for the radio systems use of the intercity motor bus industry cannot be assured without a minimum of ten exclusive frequencies. These reasons, detailed in our February 5, 1954 comments, are briefly restated here. First, the assignment of only seven frequencies would require simplex operation in all seven geographical frequency zones. Second, while the Western regions could probably operate simplex, such operation in the three Eastern zones would ultimately lead to channel congestion and destructive interference. The destructive interference to be anticipated in the Eastern zones would be caused by the fact that more than half of the total intercity passenger bus operations, both in bus equipment and in bus miles operated is concentrated in these three Eastern regions. National Bus Communications, Inc. has accordingly requested the three additional frequencies in issue here so that duplex operation may be permitted in these heavily populated and travelled Eastern regions, as this type of operation will permit a considerably greater actual traffic volume on the radio networks there before breakdowns of communications due to interference occur.

It appears from the foregoing that the ATA's comment, standing alone, seems to justify the allocation of these frequencies to the trucks to the same extent that the NBCI's original comment, again standing alone, appeared then to justify their allocation to the buses.[4] Neither, however, has given us an adequate basis for preferring its need over that of the other. In view of this and since, as already indicated, the organizations representing the two interested groups of carriers showed no disposition to make a comparative showing of need in support of their claim for these frequencies, we are unable, on the basis of this record and the use heretofore made of the VH frequencies by these two industries, to make an exclusive allocation of the three frequencies in question to either one of them. Accordingly we are allocating these frequencies for use by both the carriers of passengers and the carriers of property on a shared basis. This will give the carriers of passengers seven exclusive and three shared frequencies in the 40–50 Mc band, and the carriers of property nine exclusive and three shared frequencies in that band. If both carrier groups cooperate in the use of the three shared frequencies, we feel that the bus industry should be able adequately to accommodate its frequency needs under this allocation even in the congested eastern regions. Similarly, this allocation should be adequate for the normal growing communication needs of the trucking industry especially in view of the fact that this industry's intracity and short range communication requirements will be met by the use of the frequencies in the 450–460 Mc band. Thus, we are of the opinion that adequate provisions have been made for the two industries' present communication needs and those that may reasonably be anticipated to arise in the near future. In addition, it is pointed out that improvements and advances in the radio art may, in the not too distant future, insure a better and more efficient utilization of the frequency channels in the 40–50 Mc band."

14. For the sake of uniformity certain editorial changes have been made in the section of the rules dealing with the eligibility of passenger carriers.

15. The following policy will be applied with respect to the present licensees and applicants in the Highway Truck Radio Service who are ineligible under the rules herein adopted, or are otherwise affected thereby:

(1) The licensees who will be required to shift frequencies may apply for modification of their license at any time after the effective date of this amendment, but must do so not later than sixty days prior to the expiration date of their license. Pending modification of license to shift frequencies, operation on the presently assigned frequencies will be subject to the limitations on communications and use contained in § 16.252 (d)

(2) The licensees who have been transferred into the proposed Special Industrial Radio Service (Docket 9703) may apply for modification of their license to conform to the new classification after the rules in Docket 9703 become effective.

(3) The licensees who have not been transferred into the proposed Special Industrial Radio Service (Docket 9703) and who will be ineligible in the new Motor Carrier Radio Service may continue to operate for five years after the effective date of this amendment. During this amortization period, they will not be authorized to expand their facilities or operations.

(4) Effective upon the release of this Report and Order, no applications from persons eligible in the Highway Truck Radio Service but ineligible in the new Motor Carrier Radio Service will be accepted by the Commission.

16. The decision herein disposes of the pending petition of the American Trucking Association for an amendment to § 16.301 of the Commission's Rules.

17. In view of the foregoing: *It is ordered*, That, pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, Part 16 of the Commission's rules is amended, effective March 15, 1955, as set forth below, the policy set forth in paragraph 15 hereof is adopted; and the proceeding in this docket is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: February 4, 1955.

Released. February 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 16, rules governing the Land Transportation Radio Service, as follows:

A. In § 16.6 *Definition of terms*, delete the present terms and definitions in paragraphs (g) (h) (u) and (x) and substitute the following:

(g) *Motor Carrier Radio Service.* A radiocommunication service for use in connection with the operation of a motor carrier land transportation system.

(h) *Motor Carrier* Any streetcar, bus, truck or other land motor vehicle operated over public streets or highways by a common or contract carrier and used for the transportation of passengers or property (freight) for compensation: *Provided, however* That motor vehicles used as taxicabs, livery vehicles or school buses, and motor vehicles used for sightseeing or special charter purposes, shall not be included within the meaning of this term as used in the Motor Carrier Radio Service.

* * * * *

(u) *Common Carrier* As used in the Motor Carrier Radio Service, a person who holds himself out to the general public to engage in the transportation of passengers or property without discrimination, for compensation as a regular occupation or business.

* * * * *

(x) *Contract carrier* As used in the Motor Carrier Radio Service, a person who under individual contracts or agreements engages in the transportation of passengers or property for compensation as a regular occupation or business.

(y) *Urban area.* As used in the Motor Carrier Radio Service, one or more con-

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[3] The ATA stated in its comments: "The trucking industry regrets that the accommodation of its frequency needs should be made at the expense of any other transportation industry and, in presenting its own frequency requirements, does not wish to question the need of the intercity passenger bus industry for its frequency requirements. The presentation of the trucking industry on this issue will therefore be confined to a positive showing of its own frequency needs and we shall accept the judgment of the Commission on this particular issue without further filings or requests for an adversary hearing against the intercity motor bus industry."

The NBCI stated in its comments: "The intercity motor bus passenger industry regrets that the accommodation of its frequency needs should be made at the expense of any other transportation industry and, in presenting its own frequency requirements, does not wish to question the need of the trucking industry for its frequency requirements. Nor is it the intention of the National Bus Communications, Inc. to request any hearing, or otherwise to enter into any adversary proceeding against the trucking industry, with respect to the decision which the Commission will ultimately make on this issue."

[4] In the First Report and Order in this proceeding we stated that:

"Although the NBCI appears to have justified the intercity carriers' need for approximately ten exclusive frequencies in the 44 Mc band (which would include the three frequencies in issue) we believe that in the forthcoming further rule making proceeding in this docket, the trucking industry should have an additional opportunity to compete with the buses for the allocation of these frequencies."

The NBCI's comment herein did not add substantially to its initial showing.

tiguous, incorporated or unincorporated, cities, boroughs, towns, or villages, having aggregate population of 2,500 or more persons.

B. Delete Subpart G (§§ 16.301 through 16.304) Highway Truck Radio Service.

C. Amend § 16.251 to read as follows:

§ 16.251 *Eligibility for license.* (a) Authorizations for stations in the Motor Carrier Radio Service will be issued only to:

(1) Persons primarily engaged in providing a common or contract motor carrier passenger transportation service between urban areas.

(2) Persons primarily engaged in providing a common or contract motor carrier passenger transportation service within a single urban area.

(3) Persons primarily engaged in providing a common or contract motor carrier property transportation service between urban areas.

(4) Persons solely engaged in providing a common or contract carrier transportation service limited to the local distribution or collection of property which is destined for or continued in intercity, interstate, or international shipment.

(5) A non-profit corporation or association organized for the purpose of furnishing a radiocommunication service on cost-sharing basis to persons all of whom are actually engaged in activities set forth in one of the preceding subparagraphs of this paragraph.

(b) For the purpose of establishing eligibility under paragraph (a) of this section, proof of the possession of a valid certificate of public convenience and necessity or permit, issued by the Interstate Commerce Commission, or equivalent document issued by a state, territorial or local regulatory body shall be submitted by each applicant or, in the case of a non-profit corporation or association for which provision is made in this section, the application shall be accompanied by a listing of all persons to whom radiocommunication service will be furnished together with proof of the possession of such certificate or permit by each such participant. Certificates, permits or similar documents to which reference is made for the purpose of establishing eligibility under the provisions of this section shall be identified by document title and number, together with the name of the issuing jurisdiction and date of issuance. In addition, applications submitted by common or contract motor carriers eligible under paragraph (a) (4) of this section shall be accompanied by supporting letters from the principal carriers served attesting to the extent, the need, and the importance of the service rendered.

D. Amend paragraph (a) of § 16.252 to read as follows:

(a) The following frequencies are available to the Motor Carrier Radio Service for assignment to Base Stations and Mobile Stations of common and contract carriers of passengers operating between urban areas:

Mc.	*Mc.*
43.70	43.90
43.74	43.94
43.78	43.98 [1]
43.82	44.02 [1]
43.86	44.06 [1]

[1] The frequencies 43.98, 44.02, and 44.06 Mc are available on a shared basis with stations of common and contract carriers of property.

E. Delete the present paragraph (d) of § 16.252, and substitute the following new paragraphs:

(d) The following frequencies are available to the Motor Carrier Radio Service for assignment to Base and Mobile Stations of common or contract carriers of property operating between urban areas, (1) for communications with vehicles when such vehicles are themselves engaged in the transportation of property between urban areas regardless of the location of the vehicles at the time a particular communication takes place; or (2) for communications with vehicles used to supervise, tow repair or maintain the vehicles referred to in subparagraph (1) of this paragraph.

Mc.	*Mc.*
43.98 [1]	44.22
44.02 [1]	44.26
44.06 [1]	44.30
44.10	44.34
44.14	44.38
44.18	44.42

[1] The frequencies 43.98, 44.02 and 44.06 Mc are available on a shared basis with stations of common and contract carriers of passengers.

(e) Only those frequencies listed in paragraph (f) of this section are available to motor carriers of property who are eligible under the provisions of § 16.251 (a) (4) of this subpart.

(f) The following frequencies are available to all persons eligible in the Motor Carrier Radio Service on a shared basis with stations in the Railroad Radio Service, under the terms of a developmental authorization only:

Base and Mobile (Mc.)	*Mobile Only (Mc.)*
452.65	457.65
452.75	457.75
452.85	457.85
452.95	457.95

(g) Frequencies in the bands listed below are available for assignment to Base Stations and Mobile Stations in the Motor Carrier Radio Service on a shared basis with other services, under the terms of a developmental grant only: the exact frequency or the authorized channel will be specified in the authorization.

Mc.	*Mc.*
[1] [2] 2450–2500	[2] 6425–6575
[2] 3500–3700	[2] 11700–12200

[1] Use of frequencies in the band 2450–2500 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 2450 Mc.

[2] Subject to the proceedings in Docket No. 10797.

F Delete the text of paragraph (c) of § 16.253, and substitute the following:

(c) Frequencies in the bands listed below are available for assignment to Operational Fixed Stations in the Motor Carrier Radio Service on a shared basis with other services and under the terms of a developmental grant only: the exact frequency and the authorized bandwidth will be specified in the authorization.

Mc.	*Mc.*
[1] [2] 890–940	6575–6875
952–960	9800–9900
1850–1990	12200–12700
2110–2200	16000–18000
2450–2500	26000–30000
2500–2700	

[1] Use of frequencies in the bands 890–940, 2450–2500 and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 915, 2450 and 18000 Mc.

[2] Subject to the proceedings in Docket No. 10797.

G. Delete the title and text of § 16.254 and substitute the following new sections:

§ 16.254 *Frequencies available for Base, Mobile and Operational Fixed Stations.* The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed Stations in this service on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequency 27.12 Mc.

§ 16.255 *Limitations on installation and use.* Mobile units authorized in this service may be installed only in vehicles used for the carriage of passengers or property for compensation; or in vehicles used to supervise, tow, repair or maintain such vehicles or, in the case of a streetcar system, vehicles used in connection with the maintenance of associated trackage, right-of-way or electric power facilities. Common and contract motor carriers of property are limited to communications directly relating to the routing or rerouting of trucks.

§ 16.256 *Amortization period.* Persons authorized to operate in the Highway Truck Radio Service whose operations have not been transferred into the Special Industrial Radio Service in accordance with the proceedings in Dockets 9703 and 10742 and who are ineligible in the Motor Carrier Radio Service, may continue to operate until March 15, 1960. During this period, such persons will not be authorized, however, to expand their facilities or operations.

§ 16.257 *Modification of licenses to shift frequencies.* The common and contract carriers of property licensed in the Highway Truck Radio Service may apply for modification of their licenses to shift frequencies in order to conform with this subpart at any time after March 15, 1955, but shall do so not later than 60 days prior to the expiration of their current licenses. Pending such modification of licenses, operations on the frequencies assigned under the Highway Truck Radio Service rules shall be subject to the limitations on communications and use contained in § 16.252 (d)

H. Amend paragraph (c) of § 16.352 (Railroad Radio Service) by substituting the name "Motor Carrier Radio Service" for the name "Urban Transit Radio Service" appearing therein.

[F. R. Doc. 55–1195; Filed, Feb. 9, 1955; 8:53 a. m.]

PART 19—CITIZENS RADIO SERVICE

In the matter of amendment of Part 19 of the Commission's Rules and Regulations to effect certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in Part 19 of its Rules and Regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i) (5) (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 1st day of February 1955, that, effective immediately, Part 19 of the Commission's Rules and Regulations is revised to include the editorial changes herein and all outstanding amendments adopted as of this date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Subpart A—General

Subpart B—Applications and Licenses

Subpart C—Technical Specifications and Type of Equipment

Subpart D—Operating Requirements

AUTHORITY: §§ 19.1 to 19.66 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

SUBPART A—GENERAL

§ 19.1 *Basis and purpose.* The following rules and regulations are issued pursuant to the provisions of Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations. The rules in this part are designed to provide for private short-distance radio communication, radio signalling, and control of objects or devices by radio, with minimum licensing requirements, and to provide procedures whereby manufacturers of radio equipment to be used or operated in the citizens radio service may obtain type approval of such equipment.

§ 19.2 *Definitions*—(a) *Citizens radio service.* A fixed and mobile service intended for use for private or personal radio communication, radio signalling, control of objects or devices by radio, and other purposes not specifically prohibited herein. Any citizen of the United States eighteen years of age or over is eligible for a station license in this service.

(b) *Citizens radio station.* The term "Citizens radio station" means a station in the citizens radio service.

(c) *Class A station.* The term "Class A station" means a citizens radio station which employs equipment meeting the technical specifications for Class A stations provided in §§ 19.31, 19.32, and 19.33.

(d) *Class B station.* The term "Class B station" means a citizens radio station which employs equipment meeting the technical specifications for Class B stations provided in §§ 19.31, 19.32, and 19.33.

(e) *Class C station.* The term "Class C station" means a citizens radio station which employs equipment meeting the technical specifications for Class C stations provided in §§ 19.31, 19.32, and 19.33.

(f) *Landing area.* A landing area means any locality either of land or water, including airports and intermediate landing fields, which is used, or approved for use for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

NOTE: Consideration of aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the CAA as of the filing date of the application for such radio facilities.

(g) *Person.* The term "person" includes an individual, partnership, association, trust, or corporation.

NOTE: This definition includes duly authorized civil defense organizations of any State or local government.

(h) *Antenna structure.* The term "antenna structure" includes the radiating system and its supporting structures.

(i) *Remote control.* The term "remote control" when applied to the use or operation of a citizens radio station means control of the transmitting equipment of that station from any place other than the location of the transmitting equipment, except that direct electrical or mechanical control of transmitting equipment located on board a craft or vehicle from some other point on the same craft or vehicle shall not be considered to be remote control.

(j) *Authorized bandwidth.* The frequency band, specified in kilocycles and centered on the carrier frequency containing those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power.

§ 19.3 *General citizenship restrictions.* A station license may not be granted to or held by:

(a) Any alien or the representative of any alien,

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government;

(d) Any corporation of which any officer or director is an alien;

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country;

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representatives thereof; or any corporation organized under the laws of a foreign government, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

SUBPART B—APPLICATIONS AND LICENSES

§ 19.11 *Station authorization required.* No radio station shall be operated in the citizens radio service except under and in accordance with an authorization granted by the Federal Communications Commission.

§ 19.12 *Eligibility for station license.* Any person eighteen or more years of age and a citizen of the United States is eligible to apply for a citizens radio station license if qualified in accordance with the provisions of law: *Provided,* That not more than one person shall be eligible as licensee of the same apparatus.

NOTE: Pending further consideration by the Commission of the formulation and possible adoption of rules affecting the eligibility requirements of the citizens radio service, applications thereunder shall be considered in accordance with the following procedure:

(a) Applications pending before the Commission and those hereafter filed for authorization in the citizens radio service, in those cases where the applicant is eligible under the rules governing any other service, shall not, except for good cause shown, be acted upon by the Commission, but shall be placed in the pending files.

(b) No such application shall be designated for hearing pending final agency determination of this matter.

(c) This procedure shall not apply to construction permits or other authorizations heretofore issued and presently outstanding.

§ 19.13 *Procedure for obtaining a citizens radio station license*—(a) *FCC Form 505, Application for Citizens Radio Station Construction Permit and License.* This form shall be used when application is made for a new station or for modification of an authorization for an existing station.

(b) *FCC Form 401–A, Description of Proposed Antenna Structure(s)* When application is made for authorization for a new station, or to change the location or increase the antenna height of an existing station at a fixed location, FCC Form 401–A shall be executed in triplicate and attached to FCC Form 505 (see paragraph (a) of this section) in each case where the antenna structure falls within either of the following situations:

(1) The antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level: *Provided, however* That FCC Form 401–A is not required when the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet; or

(2) The antenna structure proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof from the nearest boundary of such landing area: *Provided, however* That FCC Form 401–A is not required when the antenna does not exceed 20 feet above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet.

(c) *FCC Form 405–A, Application for Renewal of Radio License (Short Form)* This form shall be used for requesting renewal, without modification, of radio station license.

§ 19.14 *Where to file applications.* (a) An application for a Class A, Class B, or Class C station authorization proposing to employ type approved equipment and all correspondence relating thereto shall be submitted to one of the Engineering Field Offices of the Commission: *Provided, however* That where such an application is required to be accompanied by FCC Form 401–A, it shall be submitted instead to the Commission's office at Washington 25, D. C., and should be directed to the attention of the Secretary.

(b) An application for a Class C station authorization proposing to employ crystal controlled equipment and all correspondence relating thereto shall be submitted to one of the Engineering Field Offices of the Commission. *Provided, however* That when such an application is required to be accompanied by FCC Form 401–A, it shall be submitted instead to the Commission's office at Washington 25, D. C., and should be directed to the attention of the Secretary

(c) Applications, inquiries and correspondence not coming within the provisions of paragraphs (a) or (b) of this section shall be submitted only to the Commission's office at Washington 25, D. C., and should be directed to the attention of the Secretary. The principal kinds of applications in this category are: (1) Applications involving Class A or Class B station equipment which is not type-approved, whether of commercial or home construction; and (2) applications involving Class C station equipment which is neither type approved nor crystal controlled, whether of commercial or home construction. Such applications shall be accompanied by supplemental data describing in detail the design and construction of the transmitter and the methods employed in testing it to determine compliance with the technical requirements set forth elsewhere in this part.

§ 19.15 *License period.* Unless otherwise stated in the authorization, licenses for all stations in the citizens radio service will be issued for a term of five years from date of issuance.

§ 19.16 *Renewal of station license.* Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

§ 19.17 *Modification of station license.* Application for modification of station license in the citizens radio service shall be made whenever it is proposed to:

(a) Move, change the height of, or erect an antenna structure of the type which requires prior approval from the Commission as set forth in § 19.57.

(b) Change the permanent address of the station licensee.

(c) Make changes of any nature which may affect the operational characteristics of the transmitting equipment.

(d) Substitute equipment not identical to that previously authorized in the station license.

(e) Increase the number of transmitters for operation under existing license.

(f) Add remote control or change control points.

§ 19.18 *Transfer of station license.* No station license shall be transferred without prior written approval of the Federal Communications Commission.

§ 19.19 *Duplicate station license.* Any licensee applying for a duplicate station license in the citizens radio service to replace an original which has been lost, mutilated, or destroyed, shall submit with the application the mutilated license or a signed statement setting forth the facts regarding the manner in which the original license was lost or destroyed. If subsequent to the receipt by the licensee of the duplicate license, the original is found, either the duplicate or the original license shall be returned immediately to the Commission.

§ 19.20 *Who may sign applications.* The application for an authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, or any one of the partners if an applicant be a partnership, by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association: *Provided, however* That applications may be signed by the attorney for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If it be made by a person other than the applicant, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant.

§ 19.21 *Defective applications.* (a) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(b) When an application is considered to be incomplete or defective, such application will be returned to the applicant, unless the Commission may otherwise direct. The reason for return of the application will be indicated, and, if appropriate, necessary additions or corrections will be suggested.

SUBPART C—TECHNICAL SPECIFICATIONS AND TYPE OF EQUIPMENT

§ 19.31 *Frequencies available*—(a) *Class A and Class B stations.* The following frequency bands, within the band 460–470 Mc will be assigned to the classes of stations indicated, on a non-exclusive basis and subject to such interference as may be received from other stations in this service:

460–462 Mc—Class A stations.
462–468 Mc—Class A and Class B stations.
468–470 Mc—Class A stations.

(b) *Class C stations.* The frequency 27.255 Mc will be assigned to Class C stations on a non-exclusive basis, subject to such interference as may be received from other stations in this and other services, including interference received from Industrial, Scientific and Medical equipment operating in accordance with Part 18 of this chapter.

§ 19.32 *Station power* The input power to the anode (plate) circuit of the

electron tube or tubes which supply energy to the radiating system of a station in the citizens radio service shall not exceed the values shown below, when used or operated in the frequency bands indicated:

27.23–27.28 Mc—5 watts.
460–462 Mc—50 watts.
462–468 Mc—10 watts.
468–470 Mc—50 watts.

§ 19.33 *Frequency tolerance.* The carrier frequency of a station in the Citizens Radio Service shall be maintained as follows:

Class A stations—within plus or minus 0.02 percent of the frequency on which the transmitter is adjusted for operation.

Class B stations—all operation (including tolerance and bandwidth occupied by the emission) shall be confined to within plus or minus 0.5 percent of the frequency 465 Mc.

Class C stations—within plus or minus 0.04 percent of the frequency 27.255 Mc.

§ 19.34 *Emission limitations.* (a) The bandwidth occupied by the emission from a station in this service shall not exceed the following limits:

Class A stations—200 kc.
Class B stations—4.65 Mc (including tolerance) see § 19.33.
Class C stations—10 kc.

(b) Harmonic and other spurious emissions from a transmitter in this service shall not exceed the following limits:

(1) Class A and Class B stations: Any harmonic or other spurious emission appearing on any frequency outside the 460–470 Mc band shall be attenuated below the unmodulated carrier by not less than the amount indicated below:

Maximum plate power input to the final radio frequency stage:	*Attenuation (db)*
Over 3 watts	50
3 watts or less	[1] 40

[1] Except as provided below.

In the case of Class B stations having a maximum plate power input to the final radio frequency stage of 3 watts or less, any emission appearing on any frequency that falls within a band allocated to Industrial, Scientific and Medical equipment under the provisions of Part 2 of this chapter shall be attenuated below the unmodulated carrier by not less than 30 db.

(2) Class C stations: Any harmonic or other spurious emission appearing on any frequency removed 25 kc or more from the frequency 27.255 Mc shall be attenuated below the unmodulated carrier by not less than 40 db.

(c) For the purpose of demonstrating compliance with paragraph (a) of this section, any emission appearing on any frequency removed from the carrier frequency by at least 50 percent of the authorized bandwidth occupied by the emission shall be attenuated not less than 25 db below the unmodulated carrier.

(d) In the event that harmful interference results to services outside of either the 27.23–27.28 Mc band or the 460–470 Mc band, the licensee shall discontinue operation immediately upon notification from the Federal Communications Commission and shall make measurements to determine whether the station is operating within the limits specified herein. Operation shall not resume until all discovered defects have been corrected.

§ 19.35 *Types of emission.* (a) Class A and Class B stations in this service may use amplitude, phase or frequency modulation, or on-off unmodulated carrier and may be used for radiotelephony radiotelegraphy radioprinter, facsimile or remote control of objects or devices.

(b) Except as provided in paragraph (c) of this section, Class C stations in this service may use only on-off unmodulated or amplitude tone modulated carrier for remote control of objects or devices only.

(c) Class A, Class B and Class C stations used to control model aircraft with interrupted tone modulation may use continuous radiation of an unmodulated carrier while the aircraft is actually in flight.

§ 19.36 *Percentage modulation.* When the radio frequency carrier of a station in the citizens radio service is amplitude modulated, such modulation shall not exceed 100% on negative peaks.

§ 19.38 *Technical measurements.* Where it appears that a station in the citizens radio service is not being operated in accordance with the technical standards therefor, the Commission may require the licensee to provide for such tests as may be necessary to determine whether the equipment is capable of meeting these standards.

§ 19.41 *Submission of Class A, Class B and noncrystal controlled Class C equipment for type approval.* (a) Manufacturers of equipment capable of being used or operated in this service may submit units of such equipment to the Commission for type approval, upon grant of request therefor made in writing by the manufacturer to the Secretary of the Commission. Such a request normally will not be granted unless at least 100 units of the model to be submitted are scheduled for manufacture. When advised by the Commission, the applicant must send a typical production model or prototype of the particular equipment complete with tubes and power supply to the Commission's laboratory at Laurel, Maryland, for tests. All instructions which are intended to be supplied to the purchaser of the equipment shall be included. Transportation of the equipment and associated documents to and from the laboratory shall be at no cost to the government.

(b) Prior to approval or rejection of the equipment, the results of these tests will be made known only to the responsible government officials and to the Commission. An official report of the tests will be made available only to the manufacturer involved; however, the Commission will publish from time to time lists of approved equipment.

(c) The prescribed tests may be conducted by the Federal Communications Commission or by any other cooperating government department. In addition, field tests, as deemed necessary or desirable by the Commission may be carried out by authorized government personnel to determine the reliability of the equipment under operating conditions comparable to those expected to be encountered in actual service.

(d) Type approval is not required for Class C station equipment employing crystal control.

§ 19.42 *Minimum equipment specifications.* Equipment submitted for type approval in this service shall be capable of meeting the technical specifications contained in this part for Class A, Class B, or Class C stations and, in addition, shall comply with the following:

(a) Any basic instructions concerning the proper adjustment, use or operation of the equipment that may be necessary shall be attached to the equipment in a suitable manner and in such positions as to be easily read by the operator.

(b) A durable nameplate shall be mounted on each transmitter showing the name of the manufacturer, the type or model designation, and providing suitable space for permanently displaying the transmitter serial number, FCC type approval number, and the class of station for which approved.

(c) The transmitter shall be designed, constructed and adjusted by the manufacturer to operate on a frequency or frequencies available to the class of station for which type approval is sought. In designing the equipment, every reasonable precaution shall be taken to protect the user from high voltage shock and radio-frequency burns. Connections to batteries (if used) shall be made in such a manner as to permit replacement by the user without causing improper operation of the transmitter. Generally accepted modern engineering principles shall be utilized in the generation of radio frequency currents so as to guard against unnecessary interference to other radio services. In cases of harmful interference arising from the design, construction or operation of the equipment, the Commission may require appropriate technical changes in equipment to alleviate interference.

(d) Controls which may effect changes in the carrier frequency of the transmitter shall not be accessible from the exterior of any unit unless such accessibility is specifically approved by the Commission.

§ 19.43 *Test procedure.* Type approval tests to determine whether radio equipment meets the technical specifications contained in this part will be conducted under the following conditions:

(a) Gradual ambient temperature variations from 0° to 125° F

(b) Relative ambient humidity from 20 to 95 per cent. This test will normally consist of subjecting the equipment for at least three consecutive periods of 24 hours each, to a relative ambient humidity of 20, 60 and 95 per cent, respectively, at a temperature of approximately 80° F

(c) Movement of transmitter or objects in the immediate vicinity thereof.

(d) Power supply voltage variations normally to be encountered under actual operating conditions.

(e) Additional tests as may be prescribed, if considered necessary or desirable.

§ 19.44 *Certificate of type approval.* A certificate or notice of type approval, when issued to the manufacturer of equipment intended to be used or operated in the citizens radio service, constitutes a recognition that on the basis of the test made the particular type of equipment appears to have the capability of functioning in accordance with the technical specifications and regulations contained in this part: *Provided,* All such additional equipment of the same type is properly constructed, maintained and operated: *And provided further* That no change whatsoever is made in the design or construction of such equipment except upon specific approval by the Commission.

§ 19.45 *Acceptance of composite equipment*—(a) *Class A, Class B and noncrystal controlled Class C station equipment of the composite type.* Composite transmitting equipment (or equipment constructed by a manufacturer in lots of less than 100 units) will not, in the usual case, be tested by the Commission for the purpose of granting type approval. Except as provided in paragraph (b) of this section, an applicant in this service who proposes to use or operate composite or other equipment which has not been type approved shall supply complete information showing that the equipment fully complies with appropriate station requirements, using supplementary sheets which shall accompany the standard application form. The Commission may, at its discretion, require that such equipment or a prototype thereof be made available to its laboratory at Laurel, Maryland, for test in accordance with the procedures described elsewhere in this part, as applicable to equipment to be manufactured in lots of more than 100 units. In addition, field tests as deemed necessary or desirable may be carried out by authorized government personnel to determine the reliability of the equipment under operating conditions comparable to those encountered in actual service.

(b) *Class C equipment employing crystal control.* Supplemental technical information is not required to accompany the standard application form. *Provided, however* That it is clearly indicated that the equipment employs crystal control.

SUBPART D—OPERATING REQUIREMENTS

§ 19.51 *Operation of citizens radio stations.* (a) Citizens radio stations, except stations using manually operated telegraphy transmitting by any type of the Morse Code, may during the course of normal rendition of service, be operated by any person: *Provided,* Such operation is authorized by the station licensee who shall be at all times responsible for the use and operation of that station in accordance with all applicable provisions of treaty, laws, and regulations.

(b) Stations using manually operated telegraphy transmitting by any type of the Morse Code may during the course of normal rendition of service, be operated only by the holders of a radiotelegraph class operator license of either the Radiotelegraph Third Class Operator Permit or higher class.

NOTE: The Restricted Radiotelegraph Operator Permit will be accepted in lieu of a Radiotelegraph Third Class Operator Permit so long as such Permit, issued or renewed before September 1, 1950, remains valid and outstanding.

(c) In any case, however, all transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed, and such person shall be responsible for the proper functioning of the station equipment.

§ 19.52 *Station identification.* The registered serial number appearing on each citizens radio station license shall be the call signal assigned to such station. A citizens radio station shall transmit its call signal at the beginning and at the termination of all communications as well as at least once every ten minutes during every transmission of more than ten minutes duration: *Provided,* That in the case of stations conducting an exchange of several transmissions in sequence with each transmission less than three minutes duration, the call signal of the communicating stations need be transmitted only once every ten minutes of operation. Stations licensed solely for radio control of devices or remote objects are not required to identify transmissions.

§ 19.53 *Authorized station location.* The address of the licensee of a citizens radio station will be designated the licensed location of the station. A citizens radio station may be used or operated in accordance with the rules in this part at any location, not inconsistent with law, within the United States and on any craft or vehicle of the United States with the consent of the master or pilot thereof: *Provided,* That when such craft or vehicle is outside the United States the station, its operation, and its operator shall be subject to the governing provisions of any treaty concerning telecommunications to which the United States is a party, and when within the territorial limits of any foreign country, the station shall be subject also to such laws and regulations of that country as may be applicable.

§ 19.54 *Remote control.* A citizens radio station may be authorized to be used or operated by remote control: *Provided,* That adequate means are available to enable the person using or operating the station to render the transmitting equipment inoperative from the remote control position or positions should improper operation occur.

§ 19.55 *Availability of license.* The license, or other valid authorization, of each station in the citizens radio service, or photocopy thereof, shall be carried on the person of, or readily available to the person using or operating the station whenever the station is being used or operated, or shall be permanently attached to the transmitting equipment of the station: *Provided,* That in the case of a citizens radio station being used or operated by remote control, the station authorization shall be permamently posted at the principal control position of that station and a photocopy thereof shall be permanently posted at all control positions.

§ 19.56 *Assignment of frequencies.* The frequencies allocated for use by stations in this service are listed in § 19.31. All applicants for and licensees of stations in this service are required to cooperate in the most effective use of the frequencies assigned. All frequencies available for assignment to stations in this service are available on a shared basis only and will not be assigned for the exclusive use of any one licensee.

§ 19.57 *Limitation on antenna structures.* (a) No new antenna or antenna structure shall be erected for use by any station licensed or proposed to be licensed in the Citizens Radio Service, and no change shall be made in any existing antenna or antenna structure for use or intended to be used by any station licensed or proposed to be licensed in the Citizens Radio Service so as to increase its over-all height above ground level, without prior approval from the Commission in any case when either (1) the antenna supporting structure and/or the antenna proposed to be erected will exceed an over-all height of 170 feet above ground level, or (2) the antenna supporting structure and/or the antenna proposed to be erected will exceed an over-all height of one foot above ground level for each 200 feet of distance, or fraction thereof, from the nearest boundary of any aircraft landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, prior approval by the Commission is not required. Application for Commission approval, if required, shall be submitted on FCC Form 401–A (revised)

(b) In cases where an FCC Form 401–A is required to be filed, further details as to whether an aeronautical study and/or obstruction marking may be required, as well as specifications for obstruction marking when required, may be obtained from Part 17, of this chapter, rules concerning the Construction, Marking and Lighting of Antenna Structures.

§ 19.58 *Inspection of stations.* All stations and records of stations in the citizens radio service shall be made available for inspection upon request of an authorized representative of the Commission made to the licensee or to his representative.

§ 19.59 *Permissible communications.* (a) Each station in the citizens radio service is authorized to communicate with other stations in this service.

Communications with stations licensed under other parts of the Commission's rules or with United States Government or foreign stations is prohibited.

(b) All communications in the citizens radio service shall be limited to the minimum practicable transmission time.

(c) Radio facilities authorized under the rules in this part may not be used for any purpose contrary to Federal, state or local law or to carry communications for hire; or to carry program material of any kind either directly or indirectly for use in connection with radio broadcasting; or for direct transmission to the public through public address systems or by any other means.

(d) A station in this service used for radio control of objects or devices shall not be used where its operation involves the continuous radiation of energy except for brief tests or when adjustments are being made to the transmitter or as otherwise provided in § 19.35 (c)

(e) *A citizens radio station* used for the purpose of communication by radiotelephone shall not emit a carrier wave unless modulated for the purpose of communication, and when using radiotelegraph radiation of energy shall not occur except when telegraphic signals are being transmitted, excepting for brief tests or when adjustments are being made to the transmitter.

§ 19.60 *Emergency communications.* The licensee of any station in this service may during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake, enemy action, or similar disaster, utilize such station for emergency communication service by communicating in a manner other than that specified above: *Provided.*

(a) That as soon as possible after the beginning of such emergency use, notice be sent to the Commission in Washington, D. C., and to the Engineer in Charge of the district in which the station is located stating the nature of the emergency and the use to which the station is being put; and

(b) That the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available and the Commission in Washington, D. C., and the Engineer in Charge be notified immediately when such public use of the station is terminated. The Commission may at any time, order the discontinuance of such service.

§ 19.61 *Control of transmitters.* All transmitters licensed in the citizens radio service must at all times be under the control of the licensee.

§ 19.62 *Answers to notices of violations.* (a) Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive order, treaty to which the United States is a party or the rules and regulations of the Federal Communications Commission, shall within three days from such receipt, send a written answer direct to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such three-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices.

(b) If the notice relates to some violation that may be due to the physical or electrical characteristics of the transmitting apparatus, the answer shall state fully what steps, if any are taken to prevent future violations.

(c) If the notice of violation relates to some lack of attention to or improper operation of the station, the name of the person who caused the violation shall be given.

§ 19.63 *False signals.* No person shall transmit false or deceptive signals or communications by radio, or identify the station he is using or operating by means of a call signal or signal which has not been assigned by proper authority to that station, or refuse to properly identify himself and the radio station he is using or operating when such identification is possible under the conditions of use or operation in effect at the time such identification is requested.

§ 19.64 *Inspection and maintenance of tower marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, and/or Part 17 of this chapter, shall operate and maintain the tower marking and associated control equipment in accordance with the following:

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights to insure that all such lights are functioning properly as required; or, alternatively there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration. Furthur notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months, to insure that such apparatus is functioning properly

(d) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(e) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(f) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

§ 19.65 *Recording of tower light inspections.* When a station in this service has an antenna structure which is required to be illuminated, appropriate entries shall be made in the station records, as follows:

(a) The time the tower lights are turned on and off each day if manually controlled.

(b) The time the daily check of proper operation of the tower lights was made.

(c) In the event of any observed or otherwise known failure of a tower light:

(1) Nature of such failure.

(2) Date and time the failure was observed or otherwise noted.

(3) Date, time and nature of the adjustments, repairs, or replacements made.

(4) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(5) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(d) Upon completion of the three-month periodic inspection required by § 19.64.

(1) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(2) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 19.66 *Suspension of transmissions required.* The radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the rules in this part until such deviation is corrected.

[F R. Doc. 55-1175; Filed, Feb. 9, 1955; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

FORM PRESCRIBED FOR ELECTRIC RAILWAYS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 1st day of February A. D. 1955.

The matter of annual reports from electric railway companies being under consideration, and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the data to be furnished, and that public rule-making procedures are unnecessary·

It is ordered, That the order dated December 17, 1953, in the matter of annual reports from electric railways (49 CFR 120.21) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1954, and subsequent years, as follows:

§ 120.21 *Form prescribed for electric railways.* All electric railway companies subject to the provisions of Section 20, Part I of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1954, and for each succeeding year until further order, in accordance with Annual Report Form G (Electric Railways) which is hereby approved and made a part of this section.[1] The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates.

(Sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20)

By the Commission, Division 1.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55-1189; Filed, Feb. 9, 1955; 8:51 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter E—Alaska Wildlife Protection

PART 46—TAKING OF ANIMALS, BIRDS AND GAME FISHES

MISCELLANEOUS AMENDMENTS

Basis and purposes. As a result of fur management investigations by the Fish and Wildlife Service and the Alaska Game Commission, it has been determined that, without endangering the future supply of such animals, a limited number of beaver may be taken in the drainages into the Mulchatna and Nushagak Rivers above the mouth of the Mulchatna River within Fur District 4. It also has been determined that the taking and sale for commercial purposes of Dolly Varden and Mackinaw or lake trout may be authorized under a permit system designating the waters from which these species may be taken and specifying the methods and means of such taking. Lastly a review of current sport fisheries management conditions has indicated that the game fish population in Wassila Lake, within the Anchorage area, is so nearly comparable to other lakes and drainages within said area that there is no longer a need for providing a more restrictive season and creel limit for Wassila Lake.

Accordingly the regulations under the Alaska Game Law are amended as follows:

1. The schedule constituting a part of § 46.128 *Seasons, limits, and other provisions* as the same appears in 19 F R. 2635, is amended by deleting the words and figures appearing under the subheading "*Beaver*" column headings "Areas open to taking fur animals" "Seasons" and "Limits" and by restating so much of said schedule as relates to beaver to read as follows:

Area open to taking fur animals	Seasons	Limits
*		
Beaver		
Fur District 1	No open season	No open season.
Fur Districts 2 and 7	February 1–March 31	15 a season.
Fur District 3 (except on the Kodiak-Afognak Island group)	February 1–March 31	10 a season.
Fur District 4:		
In the drainage into the Mulchatna River and the Nushagak River above the mouth of the Mulchatna River.	February 1–March 31	5 a season.
In the remainder of Fur District 4 (except in the drainage into Bristol Bay from Cape Newenham eastward to and including the drainage into the Nushagak River below its junction with the Mulchatna River).	February 1–March 31	10 a season.
Fur District 5	February 1–March 31	10 a season. 5 a season in the upper Tanana Fur Management Area.
Fur District 6 (except in the drainage of the Tok River and in the Chena River and tributary sloughs between the Little Chena and Tana Rivers).	February 1–March 31	10 a season in the drainages of the Kuskokwim River and of the Yukon River downstream from the mouth of the Kotol River below Kaltag. 15 a season in the remainder of Fur District 6.

2. Section 46.155 *Methods and means* is amended to read as follows:

§ 46.155 *Methods and means.* (a) Except as permitted in paragraph (b) of this section, game fishes may be taken only by angling with a single line held in the hand or attached to a rod so held, or fixed within sight of the owner when used for angling through the ice (in which case the fixed line shall be clearly marked with the name and address of the operator) but no line shall at any time have attached to it more than two flies or hooks, nor more than one plug, spoon, or spinner: *Provided,* That the use of snag or gang hooks is prohibited: *Provided further* That Dolly Varden and Mackinaw or lake trout may be taken by use of gill net, trap or seine in all drainages into the Arctic Ocean north of Cape Krusenstern and in salt water, but no game fish may be taken by any means within 300 feet of any operating fish weir or fish ladder.

(b) Commercial fishing for Dolly Varden and Mackinaw or lake trout may be conducted during the period February 15 through April 30 in the waters of Kvichak River, Chilkat River, Iliamna Lake, Ugashik Lake and Egegik Lake and the outlet rivers of such lakes, and in such additional areas as may be designated from time to time by the Director of the Fish and Wildlife Service, upon recommendation of the Commission, and announced by him through suitable publication, subject to the following terms, conditions and restrictions:

(1) Such fish may be taken by use of gill net, trap or seine but they may not be taken by any means within 300 feet of any operating fish weir or fish ladder.

(2) In addition to such fishing license as may be required by the regulations in this part or by other law, every person conducting operations under this paragraph shall possess a special commercial fishing permit issued without charge by the Regional Director, Fish and Wildlife Service, Juneau, Alaska, and shall produce said permit for inspection by any member of the Commission, any enforcement agent, or any authorized employee of the United States Department of the Interior.

(3) Every person engaging in commercial fishing operations in accordance with this paragraph shall maintain accurate records showing the numbers of each species of trout taken, the dates taken, and the names and addresses of the persons to whom sold or other means of disposition of trout so taken. Such records shall be preserved for a period of six months following the close of the commercial fishing season prescribed in this subsection and shall be produced at any reasonable time for inspection by any officer authorized to enforce the regulations in this part.

(4) Every person who shall sell Dolly Varden and Mackinaw or lake trout taken in accordance with this paragraph shall furnish to the purchaser at the time of sale an invoice or bill of sale showing the names and addresses of the buyer and seller, date of sale, and the numbers of each species of trout sold. Such invoice or bill of sale shall constitute authority for the use, possession, resale, or transportation, within or without the Territory of Alaska, of the trout therein described.

(c) The Director of the Fish and Wildlife Service is hereby authorized to shorten the commercial fishing season prescribed in paragraph (b) of this section and to impose further restrictions on the means, methods, and areas of fishing and on the catch of trout otherwise permitted to be taken thereunder whenever he shall determine that such measures are necessary to prevent undue depletion of game fishes. Any shortening of the season or restriction on the means and methods of fishing or on the catch of fish to be taken shall be effected by said Director through publication of an appropriate announcement in the FEDERAL REGISTER.

3. Paragraph (e) *Dolly Varden trout* of § 46.81 is amended to read as follows:

(e) *Dolly Varden trout and Mackinaw or lake trout.* Dolly Varden trout taken in salt water and Dolly Varden and Mackinaw or lake trout taken in con-

[1] Filed as part of the original document.

formity with the provisions of paragraph (b) of § 46.155.

4. The schedule constituting a part of § 46.156 *Seasons, limits, and other provisions* as the same appears in 19 F. R. 2635, is amended by deleting the words and figures appearing under the subheading "*Anchorage area*" column headings "Areas open to fishing" "Seasons" and "Limits" and by restating so much of said schedule as relates to the Anchorage area to read as follows:

Areas open to fishing	Seasons	Limits
*	*	*
Anchorage area		
In the drainage of Fish, Fire, Wolverine, and Cottonwood Creeks, Nancy Lake, and its outlet to a point 1 mile below the lake.	May 28–March 15	10 fish, but not to exceed 10 pounds and 1 fish daily or in possession.
Hidden Lake near Anchorage	May 28–September 30 (for persons under 16 years of age only).	
* * *		

5. Section 46.156 is further revised by amending the provisos thereto to read as follows:

Provided, That fishing is prohibited in those portions of the lower Russian and Kenai Rivers which lie within 300 yards of the mouth of the lower Russian River, and in all waters where game-fish planting or restocking is being conducted, whenever such waters are so designated by appropriate posted signs: *Provided further* That there shall be no limit on Dolly Varden trout taken in salt water or in the drainages into Bristol Bay and in the streams of the Second Division (except Nome, Snake, Flambeau, and Eldorado Rivers) *And provided further* That there shall be no limit on Dolly Varden and Mackinaw or lake trout in any area where, and during the period when these species are taken for commercial purposes pursuant to paragraph (b) of § 46.155.

Since the foregoing amendments are relaxations of existing restrictions governing the taking of fur animals and game fishes in Alaska, notice and public procedure thereon are unnecessary (60 Stat. 237; 5 U. S. C. 1003) and they shall be effective immediately.

(Sec. 9, 43 Stat. 743, as amended; 48 U. S. C. 198)

Issued at Washington, D. C., and dated, February 4, 1955.

DOUGLAS MCKAY,
Secretary of the Interior

[F. R. Doc. 55–1169; Filed, Feb. 9, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 945]

[AO–265]

TOMATOES GROWN IN FLORIDA

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047) and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.0 et seq.) notice is hereby given of a public hearing to be held in the Auditorium of the Palm Beach County Agricultural Center, West Palm Beach, Florida, beginning at 10:00 a. m., e. s. t., March 7, 1955, with respect to a proposed marketing agreement and order authorizing regulation of the handling of tomatoes grown in the State of Florida. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the provisions of a marketing agreement and order, hereinafter set forth, or appropriate modifications thereof.

Growers and shippers in the State of Florida as represented by the Florida Fruit and Vegetable Association requested a hearing on the following proposed marketing agreement and order authorizing regulation of the handling of tomatoes in the proposed production area.

DEFINITIONS

§ 945.1 *Secretary.* "Secretary" means Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 945.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended, 7 U. S. C. 601 et seq., 68 Stat. 906, 1047)

§ 945.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 945.4 *Production area.* "Production area" means all territory in the State of Florida south or east of the Suwannee River and south of the State of Georgia.

§ 945.5 *Tomatoes.* "Tomatoes" means all varieties of the edible fruit (Lycopersicon esculentum) commonly known as tomatoes and grown within the production area.

§ 945.6 *Handler* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of tomatoes owned by another person) who ships tomatoes or causes tomatoes to be shipped.

§ 945.7 *Ship.* "Ship" or "handle" means to transport, sell, or in any other way to place tomatoes in the current of commerce within the production area or between the production area and any point outside thereof.

§ 945.8 *Producer* "Producer" means any person engaged in the production of tomatoes for market.

§ 945.9 *Grading.* "Grading" is synonymous with "preparation for market" and means the sorting or separation of tomatoes into grades, sizes, and packs for market purposes.

§ 945.10 *Grade and size.* "Grade" means any one of the established grades of tomatoes and "size" means any one of the established sizes of tomatoes as defined and set forth in U. S. Standards for Fresh Tomatoes issued by the United States Department of Agriculture (§§ 51.1855 to 51.1876 of this title) or amendments thereto, or modifications thereof, or variations based thereon.

§ 945.11 *Pack.* "Pack" means any of the packs of tomatoes as defined and set forth in the United States Standards for Tomatoes issued by the United States Department of Agriculture (§§ 51.1855 to 51.1876 of this title) or any pack of tomatoes recommended by the committee and approved by the Secretary.

§ 945.12 *Maturity.* "Maturity" means various degrees of ripeness for tomatoes as established by the committee with approval of the Secretary

§ 945.13 *Container* "Container" means a box, bag, crate, hamper, basket, package, tube, bulk load or any other type of unit used in the packaging, transportation, sale, shipment, or handling of tomatoes.

§ 945.14 *Varieties.* "Varieties" means and includes all classifications or subdivisions of tomatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 945.15 *Committee.* "Committee" means the Florida Tomato Committee, established pursuant to § 945.22.

§ 945.16 *Fiscal period.* "Fiscal period" means the period beginning August 1 and ending July 31 following.

§ 945.17 *District.* "District" means each one of the geographic divisions of the production area initially established pursuant to § 945.24, or as reestablished pursuant to § 945.25.

§ 945.18 *Export.* "Export" means shipment of tomatoes beyond the boundaries of continental United States.

COMMITTEE

§ 945.22 *Establishment and membership.* (a) The Florida Tomato Committee, consisting of 15 producer members, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate shall be an individual who is a producer, or an officer or an employee of a corporate producer, in the district for which selected and a resident of the production area.

§ 945.23 *Term of office.* (a) The term of office of committee members, and their respective alternates, shall be for 1 year and shall begin as of August 1 and end as of July 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 945.24 *Districts.* For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1. The counties of Broward and Dade in the State of Florida;

District No. 2. The counties of Brevard, Glades, Indian River, Martin, Osceola, Okeechobee, Palm Beach, and St. Lucie in the State of Florida;

District No. 3. The counties of Charlotte, Collier, Hendry, Lee and Monroe in the State of Florida;

District No. 4. The counties of De Soto, Hardee, Highlands, Hillsborough, Manatee, Pinellas, Polk and Sarasota in the State of Florida; and

District No. 5. All the remaining counties within the production area not included in Districts 1, 2, 3, and 4.

§ 945.25 *Redistricting.* The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in tomato acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 945.26 *Selection.* The Secretary shall select 3 members of the committee with their respective alternates, from each district.

§ 945.27 *Nomination.* The Secretary may select the members of the committee, and alternates, from nominations which may be made in the following manner:

(a) A meeting or meetings of producers shall be held in each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart;

(b) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee and eligible voters at such meetings may ballot to indicate the ranking of their choice for each nominee;

(c) Nominations for committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15, of each year;

(d) Only producers may participate in designating nominees for members and alternates on the committee. In the event a person is engaged in producing tomatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts in which a person produces tomatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 945.28 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 945.27, the Secretary may without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 945.24 through 945.26 inclusive.

§ 945.29 *Acceptance.* Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 945.30 *Vacancies.* To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 945.27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 945.24 through 945.26 inclusive.

§ 945.31 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 945.32 *Procedure.* (a) Ten members of the committee shall be necessary to constitute a quorum and the same number of concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast as such a meeting shall be promptly confirmed in writing: *Provided,* That if any assembled meeting is held, all votes shall be cast in person.

§ 945.33 *Expenses and compensation.* Committee members and alternates may be reimbursed for expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part.

§ 945.34 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 945.35 *Duties.* It shall be, among other things, the duty of the committee:

(a) At the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person,

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to tomatoes;

(f) To prepare a marketing policy·

(g) To recommend marketing regulations to the secretary·

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both;

(i) To investigate an applicant's claim for exemptions;

(j) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(k) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon,

(l) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(m) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 945.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period or such portion or portions thereof as the committee may recommend and the Secretary approve as a representative period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of tomatoes handled by him as the first handler thereof during a representative period and the total quantity of tomatoes handled by all handlers as first handlers thereof during such representative period.

§ 945.41 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 945.42 *Assessments.* (a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first ships tomatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all tomatoes which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

§ 945.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property or records for which they are responsible. Whenever nay person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary for all receipts, disbursements, funds and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 945.44 *Refunds.* At the end of each fiscal period or other representative period used by the committee as a basis for seasonal accounting, monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him, or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary such reserve may be used upon termination of this order to liquidate the affairs of the committee: *Provided,* That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall be returned upon a pro rata basis to all persons from whom such funds were collected. *Provided further* That if the Secretary upon recommendation of the committee, determines that the amounts so returnable to individual handlers are so small as to make impracticable the computation and remitting of such pro rata refund to such persons, such monies may be used to defray the expenses of liquidation.

REGULATION

§ 945.50 *Marketing policy.* Prior to or at the same time as recommendations are made pursuant to § 945.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping tomatoes from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new marketing policy because of changes in the demand and supply situation with respect to tomatoes. The committee shall publicy announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of tomatoes, including prices by grades, sizes, and quality in different packs, and such prices by foreign competing areas;

(b) Supply of tomatoes, by grade, size, and quality in the production area, and in other production areas, including foreign competing production areas;

(c) Trend and level of consumer income;

(d) Marketing conditions affecting tomato prices; and

(e) Other relevant factors.

§ 945.51 *Recommendations for regulations.* The committee, upon complying with the requirements of § 945.50, may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policies of the act.

§ 945.52 *Issuance of regulations.* The Secretary shall limit the shipment of tomatoes whenever he finds from the recommendations and information submitted by the Committee, or from other

available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may:

(a) Limit, in any or all portions of the production area, the shipment of particular grades, sizes, qualities, or packs of any or all varieties of tomatoes during any period, or

(b) Limit the shipment of particular grades, sizes, qualities, or packs of tomatoes differently for different varieties, for different stages of maturity for different portions of the production area, for different containers, for different markets, for different purposes specified in § 945.54, or any combination of the foregoing, during any period, or

(c) Limit the shipment of tomatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(d) Fix the size, weight, capacity dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or handling of tomatoes; or

(e) Provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of tomatoes; or

(f) Prohibit unfair methods of competition and unfair trade practices in the handling of tomatoes.

§ 945.53 *Minimum quantities.* The committee, with the approval of the Secretary may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued or effective pursuant to §§ 945.42, 945.52, 945.54, 945.60, or any combination thereof.

§ 945.54 *Shipments for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary whenever he finds that it will tend to effectuate the declared policy of the act, shall modify suspend, or terminate regulations issued pursuant to §§ 945.42, 945.52, 945.53, 945.60, or any combination thereof, in order to facilitate shipments of tomatoes for the following purposes:

(a) For grading within the production area,

(b) For sale at designated approved markets within the production area,

(c) For export;

(d) For relief or for charity;

(e) For processing; or

(f) For other purposes which may be specified by the committee, with the approval of the Secretary.

§ 945.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 945.56 *Safeguards.* (a) The committee, with the approval of the Secretary may prescribe adequate safeguards to prevent shipments pursuant to §§ 945.53 or 945.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship tomatoes pursuant to §§ 945.53 and 945.54, or

(2) Handlers shall obtain inspection provided by § 945.60, or pay the assessment levied pursuant to § 945.42, or both, in connection with shipments made under § 945.54.

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of tomatoes effected or to be effected under the provisions of §§ 945.53 and 945.54.

(b) The committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that tomatoes shipped by him for the purposes stated in §§ 945.53 and 945.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of tomatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of tomatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 945.60 *Inspection and certification.* (a) During any period in which shipments of tomatoes are regulated pursuant to §§ 945.42, 945.52, 945.54, or any combination thereof, no handler shall ship tomatoes unless each such shipment is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to §§ 945.53, or 945.54, or both.

(b) Regrading, resorting, or repacking any lot of tomatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall ship tomatoes after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each shipment of such tomatoes is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary

(d) When tomatoes are inspected in accordance with the requirements of this section a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

EXEMPTIONS

§ 945.70 *Procedure.* The committee may adopt, with approval of the Secretary the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 945.71 *Granting exemptions.* The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee, that by reason of a regulation issued pursuant to § 945.52 he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped during the entire season, or such portion thereof as may be determined by the committee, by all producers in said applicant's immediate production area and that the grade, size, or quality of the applicant's tomatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship the amount of tomatoes specified thereon. Such certificate shall be transferred with such tomatoes at time of transportation or sale.

§ 945.72 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 945.73 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 945.74 *Records.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of tomatoes covered by such exemption certificates, a record of the amount of tomatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 945.70, 945.71, 945.72, 945.73, or any combination thereof.

MISCELLANEOUS PROVISIONS

§ 945.80 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish the committee in such manner and at such time as may be prescribed, such in-

formation as will enable the committee to exercise its powers and perform its duties under this part. The Secretary shall have the right to modify, change, or rescind any request for reports pursuant to this section.

§ 945.81 *Compliance.* Except as provided in this subpart, no handler shall ship tomatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship tomatoes except in conformity to the provisions of this subpart.

§ 945.82 *Right of the Secretary.* The members of the committee (including successors and alternates) and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 945.83 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 945.84 *Termination.* (a) The Secretary may at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during a representative period, have been engaged in the production for market of tomatoes: *Provided,* That such majority has, during such representative period, produced for market more than fifty percent of the volume of such tomatoes produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 945.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of liquidating the affairs of the committee of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct, and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 945.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 945.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 945.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 945.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 945.90 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty.

§ 945.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 945.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary

§ 945.93 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 945.94 *Additional parties.* After the effective date of this part, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 945.95 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary regulating the handling of tomatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 7th day of February, 1955.

[SEAL] ROY W LENNARTSON,
Deputy Administrator

[F R. Doc. 55-1198; Filed, Feb. 9, 1955; 8:54 a. m.]

[7 CFR Part 969]

[Docket No. AO-254-A1]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO THE MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended, 7 U. S. C. 601 et seq., 68 Stat. 906, 1047) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F R. 57) notice is hereby given of a public hearing to be held in the Auditorium, Redlands Farm Labor Camp, Homestead (Modella) Florida, beginning at 10:00

[1] Applicable only to the proposed marketing agreement.

a. m., e. s. t., February 28, 1955, with respect to proposed amendments to the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of avocados grown in South Florida. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and to any appropriate modifications thereof.

The following amendments to the marketing agreement and order have been proposed by the Avocado Administrative Committee, the administrative agency established pursuant to the marketing agreement and order:

1. Revise § 969.2 *Act* to read as follows:

§ 969.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047)

2. Revise § 969.4 *Production area* to read to follows:

§ 969.4 *Production area.* "Production area" means the counties of Brevard, Orange, Lake, Polk, Hillsborough, and Pinellas in the State of Florida, and all of the counties of that State situated south of such counties.

3. Delete from § 969.10 *Handle* the words "in the Continental United States or Canada."

4. Add, after § 969.11 *District,* the following new section.

§ 969.12 *Bushel.* "Bushel" means 50 pounds of avocados in any type of container or in bulk.

5. Delete the proviso from the second sentence in paragraph (b) of § 969.41 *Assessments* and substitute therefor the following: *"Provided,* That, in no case, shall the rate of assessment exceed 10 cents per bushel of avocados."

6. Add, after § 969.42 *Accounting,* the following new section:

§ 969.45 *Marketing research and development.* The committee, with the approval of the Secretary may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of avocados. The expense of such projects shall be paid from funds collected pursuant to § 969.41.

7. Add, at the end of paragraph (a) of § 969.51 *Issuance of regulations,* the following new subparagraph:

(3) Fix the size, capacity weight, dimensions, or pack of the container or containers which may be used in the handling of avocados.

8. After redesignating present paragraph (b) of § 969.51 as paragraph (c) insert the following new paragraph (b) of such section:

(b) Insofar as the regulations issued pursuant to the provisions of subparagraph (2) of paragraph (a) of this section are concerned, separate requirements may be provided for avocados being handled between points within the production area and any point within the State of Florida which lies east of the Suwannee River and South of the Georgia State Line; between points within the production area and any point within the Continental United States (except Peninsular Florida) and Canada, and between points within the production area and any point outside of the Continental United States and Canada.

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the office of the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, P. O. Box 19, Lakeland, Florida.

Done at Washington, D. C., this 7th day of February 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator

[F. R. Doc. 55-1197; Filed, Feb. 9, 1955; 8:54 a. m.]

Commodity Stabilization Service

[7 CFR Part 801]

PRACTICE AND PROCEDURE GOVERNING ALLOTMENT OF SUGAR QUOTAS OR PRORATIONS THEREOF

INSTITUTION OF PROCEEDINGS

Notice is hereby given that the Secretary of Agriculture, pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. 1100) hereinafter referred to as the "act" is considering the revision of § 801.3 of Sugar Regulation 801 (7 CFR Part 801) to read as follows:

§ 801.3 *Institution of proceedings.* (a) Whenever, pursuant to a petition filed under § 801.2, or on his own initiative, the Secretary finds that the allotment of any quota or proration thereof is necessary to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, or to prevent disorderly marketing or importation of sugar or liquid sugar, or to afford all interested persons an equitable opportunity to market sugar or liquid sugar, he shall institute a quota allotment proceeding. Such a proceeding will be instituted only upon a notice of hearing issued by the Secretary.

(b) In any proceeding instituted pursuant to paragraph (a) of this section, the notice of hearing issued and the hearing held with respect thereto shall, where the notice of hearing so states, constitute the notice of hearing and hearing upon which the Secretary may revise or amend the allotment of the quota or proration thereof for the purposes of (1) allotting any additional quota resulting from proration of area deficits, or allotting any deficit in the allotment for any allottee, and (2) substituting final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of a quota.

Proposed changes. Section 205 (a) of the act provides in part as follows:

Whenever the Secretary finds that the allotment of any quota, or proration thereof, established for any area pursuant to the provisions of this act, is necessary * * * after such hearing and upon such notice as he may by regulations prescribe, he shall make allotments of such quota or proration thereof by allotting to persons * * * The Secretary may also, upon such hearing and notice as he may by regulations prescribe, revise or amend any such allotment upon the same basis as the initial allotment was made.

The proposed revision redesignates the present § 801.3 of Sugar Regulation 801 as papragraph (a) of § 801.3 and adds a paragraph (b) to that section.

Paragraph (a) of § 801.3 will continue to provide that whenever the Secretary makes the findings provided for therein he shall institute a quota allotment proceeding by issuing a notice of hearing. The proposed paragraph (b) of § 801.3 would provide that the Secretary may also include in such notice of hearing the further notice that at such hearing evidence may be introduced which will enable the Secretary to revise or amend any such allotment of a quota for the purposes of alloting any additional quota resulting from proration of area deficits, or allotting any deficit in the allotment for any allottee, and, substituting final actual data for estimates of such data whenever estimates are used in the formulation of any allotment of a quota.

The institution of quota allotment proceedings in accordance with the provisions of §§ 801.1 through 801.20 of Sugar Regulation 801, including the issuance of a separate notice of hearing, will continue to be necessary for any revision or amendment of any allotment other than for the purposes specified in proposed paragraph (b) of § 801.3.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed regulation shall file the same in quadruplicate with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER.

Issued this 7th day of February 1955.

[SEAL] EARL M. HUGHES,
Administrator

[F. R. Doc. 55-1201; Filed, Feb. 9, 1955; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 18, 1955.

An application, serial number Fairbanks 011996, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws of the lands described below was filed on September 27, 1954, by Department of the Air Force. The purposes of the proposed withdrawal: Military purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at Cape Lisburne at the point of confluence of the center line of the mouth of the most northerly creek flowing in a westerly direction with the mean high tide line on the shore of Arctic Ocean, said point at approximate latitude 68°52.30' N., longitude 166°16'00" W., thence southerly following the mean high tide line on the Arctic Ocean 2.17 miles, more or less, to the centerline of the mouth of an unnamed creek; thence S. 83°00" E., 10.04 miles; thence due north 2.08 miles, more or less, to the mean high tide line on the shore of the Arctic Ocean; thence westerly following the mean high tide line on the shore of the Arctic Ocean 10.31 miles, more or less, to the point of beginning.

The area described aggregates 13,600 acres, more or less.

HAROLD T. JORGENSON,
Acting Area Administrator

[F R. Doc. 55-1171; Filed, Feb. 9, 1955; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 18, 1955.

An application, serial number Fairbanks 011997, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws of the lands described below was filed on September 27, 1954, by Department of the Air Force. The purposes of the proposed withdrawal: Military purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at a point where the mean high tide mark intersects latitude North 61°41'20" on the East shore of Igiak Bay, which point being approximately 4,000 feet southerly from the confluence of Fowler Creek and Igiak Bay and known as the point of beginning; thence proceeding East a distance of 22,500 feet more or less, to the intersection of longitude West 165°54'40" and latitude North 61°41'20"; thence North 25,800 feet more or less to the point of intersection with the mean high tide mark on the South shore of Scammon Bay; thence meandering approximately 57,500 feet on such tide mark Westerly around Cape Romanzof and Southerly on the East shore of Igiak Bay to the point of beginning, containing 15,265 acres.

HAROLD T. JORGENSON,
Acting Area Administrator

[F R. Doc. 55-1172; Filed, Feb. 9, 1955; 8:46 a. m.]

[Doc. 24]

ARIZONA

RESTORATION TO MINERAL LOCATION, ENTRY AND PATENT OF LANDS WITHDRAWN FOR RECLAMATION PURPOSES

FEBRUARY 2, 1955.

Pursuant to determinations by the Bureau of Reclamation under the act of April 23, 1932 (47 Stat. 136; 43 U. S. C. 154) and in accordance with the authority delegated to me by the Director, Bureau of Land Management, in Order No. 541, dated April 21, 1954 (19 F R. 2473) it is ordered as follows:

Subject to valid existing rights, the provisions of existing withdrawals, and the stipulations and provisions described below, the lands hereinafter described, so far as they are withdrawn or reserved for reclamation purposes, are hereby restored to location, entry and patent under the mining laws.

GILA AND SALT RIVER MERIDIAN

T. 27 N., R. 10 E.,
Sec. 4. All;
Sec. 8: All;
Sec. 28: Lots 1, 2, 3, 4, 5, N½NW¼, SW¼NW¼, NW¼SW¼, S½SW¼.

Within the above described areas are 1,696.37 acres of public land.

Subject to valid existing rights and the provisions of existing withdrawals, the described lands shall, commencing at 10:00 A. M. on the 15th day after the date of this order, be open to location, entry and patenting under the United States mining laws, subject to the stipulation quoted below, to be executed and acknowledged in favor of the United States by the locators for themselves, their heirs, successors and assigns, and recorded in the county records and in the United States Land Office at Phoenix, Arizona, before any rights in their favor attach thereto:

In carrying on the mining and milling operations contemplated hereunder, locator will, by means of substantial dikes, or other adequate structures, confine all tailings, debris and harmful chemicals in such a manner that the same shall not be carried into the Little Colorado River by storm waters, or otherwise.

There is reserved to the United States, its agents and employees, at all times, free ingress to, passage over and egress from all of the above described lands for the purpose of inspection; there is further reserved to the United States, its successors and assigns, the prior right to use any of the lands hereinabove described, to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, ditches, telephone and telegraph lines, electrical transmission lines, roadways and appurtenant works, including the right to take and remove from the lands hereinabove described such construction materials as may be required in the construction of irrigation works, without any payment made by the United States, or its successor for such rights. The locator further agrees that the United States, its officers, agents and employees and its successors and assigns, shall not be held liable for any damage to the improvements or workings of the locator resulting from the construction, operation and maintenance of any works of the United States and/or the removal of construction materials from the lands hereinabove described.

Inquiries concerning these lands shall be addressed to Manager, Arizona Land Office, Bureau of Land Management, Room 243, Main Post Office Building, Phoenix, Arizona.

E. I. ROWLAND,
State Supervisor

[F R. Doc. 55-1173; Filed, Feb. 9, 1955; 8:46 a. m.]

COLORADO

SMALL TRACT CLASSIFICATION ORDER NO. 14

FEBRUARY 2, 1955.

1. Pursuant to authority delegated to me by the Director, Bureau of Land Management, by Order No. 541, dated April 21, 1954, (19 F R. 2473) I hereby

classify for residence and business site purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682 (a)) the following described public lands in the State of Colorado:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 34 N., R. 9 W., North of Ute Line,
Sec. 10: NE¼NE¼NE¼, SE¼NW¼NE¼NE¼.
Sec. 11. NE¼NW¼, N½NW¼NW¼, E½SW¼NW¼NW¼, SE¼NW¼NW¼.

The land described comprises 31 small tracts and contains a total of approximately 87.5 acres.

2. These lots range in size from 1.25 acres to 5 acres and are located approximately 7 miles southeast of Durango, Colorado, along U. S. Highway 160, one mile east of its intersection with U. S. Highway 550. The topography is gently north sloping, with a steep ridge along the southern edge of the area. A power line parallels U. S. Highway 160 which crosses a portion of the area. Culinary water is not available from any presently developed source. Schools, stores, and other public facilities are available in the town of Durango. Soils are of shallow to medium depth loam with some rocks. The native vegetation consists of sagebrush with some pinon and juniper trees of no commercial value. There is no evidence of metallic or non-metallic minerals. The mineral rights to the land will be reserved to the Federal Government.

3. Small tract applications that were filed prior to 1:30 p. m., October 13, 1954, the date the Land Office records were noted as to the proposed small tract classification, will be allowed a preference, as provided for under 43 CFR 257.6, if offeror agrees to conform his offer to the area and dimensions of a tract as specified in the classification order. For purposes of clarity each tract described by legal subdivisions in this classification order has also been assigned a reference number, as shown in the table of legal descriptions and appraised values set forth in paragraph 10. Fifteen applications were led prior to 1:30 p. m., October 13, 1954, for the same purpose for which the land is now classified, and are being conformed to the legal subdivisions as described by reference Nos. 1, 5, 6, 12, 14, 15, 16, 17, 18, 24, 27, 28, 30, 31, and 32. Small tract applications involving the lands described by these reference numbers will therefore, be allowed in accordance with the classification on the date the order is signed.

4. As to lands not covered by applications referred to in paragraph 3, this order shall not become effective to change the status of the lands until 10:00 o'clock a. m., on the 35th day after the date of this order.

5. A multiplicity of filings by those persons entitled to claim veterans preference for service in World War II and the Korean conflict pursuant to the act of September 27, 1944 (43 U. S. C. 279–284) as amended, is anticipated during the simultaneous filing period. Therefore, in accordance with 43 CFR 257.8 the special procedure and drawing outlined therein will be used.

6. Commencing at 10:00 o'clock a. m. on the date of this order and for a period of 35 days thereafter, the land described herein shall be subject to the filing of drawing entry cards only by those persons entitled to claim World War II and Korean conflict veterans preference under the act of September 27, 1944, (43 U. S. C. 279–284) as amended. Such veterans desiring to participate in the drawing may secure drawing entry cards, Form 4–775, from the Land Office Manager, 429 Post Office Building, Denver, Colorado, or the District Manager, Bureau of Land Management, 100 West Tenth Street, Durango, Colorado. The veteran will print clearly his name, post office address and sign his full name in the space provided on the card, certifying that he is a citizen of the United States, over 21 years of age or the head of a family and entitled to veterans preference based on service in World War II or the Korean conflict and honorably discharged from such service. Only one drawing entry card may be filed by an entrant. No filing fee or additional papers should accompany the drawing entry card. All drawing entry cards, when completed as indicated, shall be mailed to the Land Office Manager, 429 Post Office Building, Post Office Box #1018, Denver 2, Colorado, and must be forwarded in time to reach him not later than 10:00 a. m. on the 35th day after the date of this order. All cards of qualified entrants received not later than the hour and date mentioned will be placed in a box and at 2:00 p. m. on the business day following such 35th day thoroughly mixed in the presence of such persons as may desire to be present. The cards will then be drawn by a disinterested party one at a time, and numbered in the order drawn to establish an adequate list of eligibles and of alternates to whom the available tracts will be allocated in consecutive order.

7. Each successful entrant to whom a lot is awarded will be sent by registered mail a decision making appropriate requirements with an offer to lease, Form 4–776 in duplicate, bearing the description of the tract. The forms must be completely filled out, signed and returned by the successful entrant within the time allowed, accompanied by photostatic or other copy (both sides) of his certificate of honorable discharge or an official document of the branch of service which shows clearly the period of service. In addition, each application must be accompanied by a $10.00 filing fee and advance rental in the amount of $45.00 for a residence site, or $60.00 for a business site, making a total of $55.00 or $70.00, respectively. The annual rental for business sites will be a minimum of $20.00 per year or a percentage of the gross annual income in accordance with the approved schedule of rentals as shown on the reverse side of the lease, Form 4–776, whichever is greater.

An award to a successful entrant who was not qualified to enter the drawing or who, for any reason, fails within the time allowed to comply with the requirements of the decision accompanying the lease forms will be cancelled upon the records and the lot will become available to the alternate next in line as determined in the drawing.

Each entrant to whom no lot is allocated will be informed thereof by the return of his drawing entry card carrying a notation to that effect.

8. Lessees will be required within a reasonable time after execution of the lease to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which in the circumstances are presentable, substantial and appropriate for the use for which the lease is issued. Detailed specifications as to the improvement requirements will be made part of the lease terms and option to purchase.

9. Lessees or their successors in interest shall comply with all Federal, State, County, and Municipal laws and ordinances, especially those covering health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized official of the Bureau of Land Management.

10. Leases will contain an option to purchase clause at the appraised value of the lots as follows:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

(T. 34 N., R. 9 W., North of the Ute Line)

Section	Legal description	Tract reference No.	Appraisal
10	E½NE¼NE¼NE¼	17	$125
	W½NE¼NE¼NE¼	18	150
	SE¼NW¼NE¼NE¼	19	75
11	N½NE¼NE¼NW¼	1	50
	E½SE¼NE¼NE¼NW¼, E½NE¼SE¼NE¼NW¼.	2	125
	W½SE¼NE¼NE¼NW¼, W½NE¼SE¼NE¼NW¼.	3	175
	E½SW¼NE¼NE¼NW¼, NE¼NW¼SE¼NE¼NW¼.	4	150
	W½SW¼NE¼NE¼NW¼, NW¼NW¼SE¼NE¼NW¼.	5	150
	E½SE¼NW¼NE¼NW¼, E½NE¼NW¼NE¼NW¼.	6	100
	W½E½NW¼NE¼NW¼	7	100
	E½NW¼NE¼NE¼NW¼, NE¼SW¼NW¼NE¼NW¼.	8	75
	W½NW¼NW¼NE¼NW¼, NW¼SW¼NW¼NE¼NW¼.	9	75
	E½NE¼NE¼NW¼NW¼, NE¼SE¼NE¼NW¼NW¼.	10	75
	W½NE¼NE¼NW¼NW¼, NW¼SE¼NE¼NW¼NW¼.	11	125
	E½NW¼NE¼NW¼NW¼, NE¼SW¼NE¼NW¼NW¼.	12	200
	W½NW¼NE¼NW¼NW¼, NW¼SW¼NE¼NW¼NW¼.	13	200
	E½NE¼NW¼NW¼NW¼, NE¼SE¼NW¼NW¼NW¼.	14	175
	W½NE¼NW¼NW¼NW¼, NW¼SE¼NW¼NW¼NW¼.	15	150
	W½NW¼NW¼NW¼	16	100
	N½NE¼SW¼NW¼NW¼, S½SE¼NW¼NW¼NW¼.	21	125
	S½SW¼NE¼NW¼NW¼, N½NW¼SE¼NW¼NW¼.	22	175
	S½SE¼NE¼NW¼NW¼, N½NE¼SE¼NW¼NW¼.	23	175
	N½NW¼SW¼NE¼NW¼, S½SW¼NW¼NE¼NW¼.	24	175
	NE¼SW¼NE¼NW¼	25	175
	SE¼SE¼NE¼NW¼	26	175
	SW¼SE¼NE¼NW¼, S½NW¼SE¼NE¼NW¼.	27	250
	SE¼SW¼NE¼NW¼	28	175
	SW¼SW¼NE¼NW¼, S½NW¼SW¼NE¼NW¼.	29	200
	S½NE¼SE¼NW¼NW¼, SE¼SE¼NW¼NW¼.	30	150
	S½NW¼SE¼NW¼NW¼, SW¼SE¼NW¼NW¼.	31	100
	SE¼SW¼NW¼NW¼, S½NE¼SW¼NW¼NW¼.	32	50

All lessees or their successors in interest will be afforded the right to pur-

chase the tract at or after one year from the date the lease is issued provided the lessees have complied with the requirements specified in paragraphs 8 and 9 of this order and other provisions of the lease terms.

11. The following tracts as described by reference numbers shall be subject to rights of way of record and rights of way for roads and public utilities as follows:

33 feet in width along the west boundary of the subdivisions described by reference Nos. 3, 5, 7, 13, 22, 25, and 27.

33 feet in width along the east boundaries of the subdivisions described by reference Nos. 4, 14, 21, 24, 25, 27, and 29.

33 feet in width along the south boundaries of the subdivisions described by reference Nos. 4, 5, 9, 10, 11, 12, 13, 14, 22, 23, 24, and 25.

33 feet in width along the north boundaries of the legal subdivisions described by reference Nos. 21, 22, 23, 24, 27, 28, 29, 30, and 31.

12. Such rights of way may be utilized by the Federal Government, or the State, county, or municipality in which the tract is situated, or by any agency thereof. The rights of way, in the discretion of the authorized officer of the Bureau of Land Management, may be definitely located either prior to or after issuance of the patents.

13. The lots, if any which are not leased as a result of the drawing, will not become subject to application by veterans who are not successful in the drawing or by the general public until a further order has been issued granting veterans of World War II and the Korean conflict a preference right of application for a period of 90 days.

14. The area involved is indicated on an unofficial plat that has been prepared to show the location of the lands classified for small tract purposes to assist the successful small tract lessees in identifying the lands embraced in their respective leases. Copies of this plat may be seen in the office of the Manager, Bureau of Land Management, 429 Post Office Building, Denver, Colorado, and also in the office of the District Manager, 100 West 10th Street, Durango, Colorado. All inquiries relating to these lands should be addressed to the Land Office Manager, 429 Post Office Building, Post Office Box #1018, Denver 2, Colorado.

MAX CAPLAN,
State Supervisor

[F R. Doc. 55-1170; Filed, Feb. 9, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P & S. Docket No. 1558]

MISSISSIPPI VALLEY STOCKYARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

In re C. P Poland, d/b/a Mississippi Valley Stockyards, Respondent.

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.) an order was issued in this proceeding on March 22, 1954 (13 A. D. 246) authorizing the respondent to assess the current rates and charges for stockyard services to and including April 1, 1955.

By a petition filed on January 31, 1955, the respondent requested authority to continue assessing the current rates and charges and to put into effect the following additional rates for services to be rendered by the respondent:

MISCELLANEOUS SERVICES

	Cattle	Hogs	Sheep
	Cents per head	*Cents per head*	
Testing	22		
Spraying		10	
Dipping			25 cents per head for first 20 head and 20 cents per head for all over 20 head.
Vaccinating			25 cents per head for first 20 head and 20 cents per head for all over 20 head.

The authorization, if granted, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly it appears that this public notice of the filing of the petition and its contents should be given.

All interested persons who wish to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 4th day of February 1955.

[SEAL] H. E. REED,
Director Livestock Division, Agricultural Marketing Service.

[F R. Doc. 55-1181; Filed, Feb. 9, 1955; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8739, 11070, 11072—11074; FCC 54-134]

MATHESON RADIO CO., INC., ET AL.

ORDER AMENDING ISSUES

In re applications of Matheson Radio Company Inc.,[1] Boston, Massachusetts, Docket No. 8739, File No. BPCT-248; Greater Boston Television Corporation, Inc., Boston, Massachusetts, Docket No. 11070, File No. BPCT-1657 Massachusetts Bay Telecasters, Inc., Boston, Massachusetts, Docket No. 11072, File No. BPCT-1844, Allen B. DuMont Laboratories, Inc., Boston, Massachusetts, Docket No. 11073, File No. BPCT-1854, Post Publishing Company Boston, Massachusetts, Docket No. 11074, File No. BPCT-1861, for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of February 1955,

[1] On October 26, 1954 Matheson Radio Company, Inc., changed its name to WHDH, Inc.

The Commission having under consideration a Motion to Change Issues filed on July 22, 1954 by the Chief of the Broadcast Bureau requesting the deletion of the issue going "to the determination of whether the installation and operation of the stations proposed by Allen B. DuMont Laboratories, Inc. and Post Publishing Company would constitute a hazard to air navigation"·

It appearing that the Commission after designation of the above-entitled applications for hearing was advised by the Regional Airspace Subcommittee that the antenna structures proposed by Allen B. DuMont Laboratories, Inc. and Post Publishing Company, respectively would not constitute a hazard to air navigation, and that no opposition to the motion has been filed by the other parties in the proceeding;

It is ordered, That the Broadcast Bureau's Motion to Change Issues is hereby granted and that the following issue is deleted. "To determine whether the installation and operation of the stations proposed by Allen B. DuMont Laboratories, Inc. and Post Publishing Company in the above-entitled applications would constitute a hazard to air navigation."

Released: February 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F R. Doc. 55-1194; Filed, Feb. 9, 1955; 8:53 a. m.]

FEDERAL POWER COMMISSION

STATEMENT OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

FEBRUARY 4, 1955.

Pursuant to the requirements of section 3 (a) (1) of the Administrative Procedure Act, notice is hereby given that by Administrative Order No. 36 adopted by the Commission on January 31, 1955, the following changes were made in its organization:

(1) Abolished the Bureau of Law and the Divisions of Electric Power, Natural Gas, Interpretation and Research, and Hydroelectric and Licensed Projects. In lieu thereof established the Office of the General Counsel which will operate under the direct supervision and control of the General Counsel.

(2) Abolished the Bureau of Accounts, Finance and Rates. In lieu thereof established the Bureau of Rates and Gas Certificates which will operate under the direct supervision and control of the Chief, Bureau of Rates and Gas Certificates, and the Office of the Chief Accountant, which will operate under the direct supervision and control of the Chief Accountant. The Division of Gas Certificates and the Division of Rates were transferred to the Bureau of Rates and Gas Certificates. The Division of Accounts and the Division of Finance and Statistics were transferred to the Office of the Chief Accountant.

(3) Established the Office of Administration which will operate under the direct supervision and control of the Director of Administration. The Divi-

sion of Personnel and Administrative Services and the Division of Budget and Finance were transferred to the Office of Administration.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-1176; Filed, Feb. 9, 1955; 8:47 a. m.]

[Docket Nos. G-2658, G-2691, G-2715, G-2735, G-2744, G-2938, G-2941, G-2949]

ED E. HURLEY ET AL.

NOTICE OF FINDINGS AND ORDERS

FEBRUARY 4, 1955.

In the matters of Ed E. Hurley et al., Docket No. G-2658; Rodney DeLange and O. Neathery Jr., Docket No. G-2691, Ethyle Moorhead, et al., Docket No. G-2715; Gladstone Gasoline Company Inc., Docket No. G-2735· Gerwig-Koethe Oil & Gas Company Docket No. G-2744, Delaware Gas Company Docket No. G-2938; Michigan Gas Storage Company Docket No. G-2941, John V Boyce, Trustee for Stephens Petroleum Company Docket No. G-2949.

Notice is hereby given that on January 4, 1955, the Federal Power Commission issued its findings and orders adopted December 29, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-1191; Filed, Feb. 9, 1955; 8:52 a. m.]

[Docket Nos. G-2963, G-3001, G-3003, G-3150, G-3174, G-3195, G-3199, G-3201, G-3215, G-3254, G-3565, G-3660, G-3706]

VINCENT S. WELCH, INC., ET AL.

NOTICE OF FINDINGS AND ORDERS

FEBRUARY 4, 1955.

In the matters of Vincent S. Welch, Inc., et al., Docket No. G-2963; Pan-Am Southern Corporation, Docket No. G-3001, Frank G. Weimer and John R. Fitzhugh, Docket No. G-3003; Lynn Drilling Company Docket No. G-3150; Bluford Stinchcomb, et al., Docket No. G-3174, W A. Hewell, Trustee, et al., Docket No. G-3195; Howard Mathews, et al., Docket No. G-3199· Bluford Stinchcomb, et al., Docket No. G-3201, P G. Lake, Inc., et al., Docket No. G-3215, L. E. Smith & L. G. Cameron, Docket No. G-3254, James I. Shearer, Docket No. G-3565; Pan American Production Company Docket No. G-3660; Robert P Wilson, et al., Docket No. G-3706.

Notice is hereby given that on January 5, 1955, the Federal Power Commission issued its findings and orders adopted December 29, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-1192; Filed, Feb. 9, 1955; 8:52 a. m.]

[Docket Nos. G-4331, G-4332]

UNION OIL CO. OF CALIFORNIA ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Union Oil Company of California, Docket No. G-4331, Union Oil Company of California, et al., Docket No. G-4332.

By order issued October 29, 1954, in Docket No. G-4331, the Commission, pursuant to authority contained in sections 4 and 15 of the Natural Gas Act, ordered that a hearing be held concerning the lawfulness of increased rates and charges contained in FPC Gas Rate Schedule No. 2, together with Supplements Nos. 1, 2 and 3 thereto, FPC Gas Rate Schedule No. 3, together with Supplement No. 1 thereto, and FPC Gas Rate Schedule No. 4, together with Supplement No. 1 thereto, filed on September 30, 1954, by Union Oil Company of California (Union Oil) for sales of natural gas in interstate commerce to Transcontinental Gas Pipe Line Company subject to the jurisdiction of the Commission. The order, as amended by order issued December 7, 1954, also provided that, pending the hearing and decision thereon, said proposed rate schedules and supplements, and the increased rates and charges therein contained, be suspended and the use thereof deferred for a period of 3 months beyond November 1, 1954, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

By order issued October 29, 1954, in Docket No. G-4332, the Commission, pursuant to authority contained in sections 4 and 15 of the Natural Gas Act, ordered that a hearing be held concerning the lawfulness of the increased rates and charges proposed in FPC Gas Rate Schedule No. 5, together with Supplements Nos. 1 and 2 thereto, and FPC Gas Rate Schedule No. 6, together with Supplements Nos. 1 and 2 thereto, filed on September 30, 1954, by Union Oil and Louisiana Land and Exploration Company (Louisiana Land) The order, as amended by order issued December 7, 1954, also provided that, pending the hearing and decision thereon, said proposed rate schedules and supplements, and the increased rates and charges therein contained, be suspended and the use thereof deferred for a period of 3 months beyond November 1, 1954, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to consolidate the above-entitled proceedings for the purpose of hearing and to prescribe the procedure to be followed at the hearing as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15 and 16 of the Natural Gas Act, and the Commission's general rules and regulations (18 CFR Ch. I) the proceedings in the above-entitled Docket Nos. G-4431 and G-4432 be and the same are hereby consolidated for the purpose of hearing; and, further, such hearing be held commencing on March 8, 1955, at 10:00 a. m. e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the above-entitled proceedings.

(B) At the hearing, Union Oil and Louisiana Land shall first present and complete their cases-in-chief before cross-examination is undertaken. Upon completion of the presentation of Union Oil and Louisiana Land, the other parties to the proceedings, including Commission Staff Counsel, may proceed with preliminary cross-examination respecting the matters and issues involved in the proceedings. Upon request of any party to the proceedings, including Commission Staff Counsel, the hearing shall be recessed by the Presiding Examiner for such time or times as the Examiner may find appropriate and reasonable to permit proper preparation for full cross-examination. Following the presentation by Union Oil and Louisiana Land, and cross-examination as provided above, opportunity shall then be afforded the other parties to present testimony and evidence. Any such testimony and evidence shall then be subject to cross-examination. Following such cross-examination, opportunity shall be afforded Commission Staff Counsel (after recess, if requested) to present evidence. Such testimony and evidence as the Staff offers will then be subject to cross-examination, after which an opportunity will be afforded Union Oil and Louisiana Land to offer rebuttal evidence.

(C) Upon completion of the proceedings as provided for in paragraph (B) the Presiding Examiner shall fix the date for the filing of briefs, if not waived by the parties, including Commission Staff Counsel.

(D) Union Oil and Louisiana Land shall, not later than 7 days next preceding the date heretofore fixed for the commencement of the hearing herein, serve upon all parties to these proceedings copies of the testimony and exhibits Union Oil and Louisiana Land propose to offer at the hearing, including five (5) copies thereof upon Commission Staff Counsel.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f))

Adopted: February 2, 1955.

Issued: February 3, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-1177; Filed, Feb. 9, 1955; 8:47 a. m.]

[Docket No. G-4735]

COLORADO OIL AND GAS CORP

NOTICE OF POSTPONEMENT OF HEARING

FEBRUARY 4, 1955.

Upon consideration of the notice of withdrawal of application, filed January 26, 1955, in the above-designated matter·

Notice is hereby given that the hearing now scheduled to be held on February 14, 1955, is postponed without date subject to further notice.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F R. Doc. 55-1190; Filed, Feb. 9, 1955; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-164, 59-14]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

NOTICE OF FILING OF PLANS WITH RESPECT TO CONVERSION OF HOLDING COMPANY INTO INVESTMENT COMPANY AND OF HEARING WITH RESPECT THERETO

FEBRUARY 4, 1955.

Notice is hereby given to all Class A shareholders of International Hydro-Electric System ("IHES") a holding company registered under the Public Utility Holding Company Act of 1935 ("act") and to other interested persons that an adjourned hearing will be held in the above proceedings on March 2, 1955, at 10 o'clock a. m. before a Hearing Officer of the Commission at the offices of the Commission, 425 Second Street NW., Washington, D. C., with respect to certain plans, filed pursuant to section 11 (d) of the act, proposing modification of the dissolution order entered against IHES on July 21, 1942 so as to permit its continuance as an investment company.

On June 22, 1953, Bartholomew A. Brickley, Trustee of IHES appointed by the United States District Court for the District of Massachusetts ("Court") filed his First Amendment to his Second Plan for the liquidation and dissolution of IHES ("Trustee's Plan") Part III of the Trustee's Plan provided, among other things, for the election of a board of directors of IHES to be composed of nine members, who should have authority to represent the IHES Class A stockholders in all proceedings before the Commission and the Court, and pending consumation of Part IV to have such other powers as the Commission and the Court might approve. Pursuant to appropriate orders of the Commission and the Court, a stockholders' meeting was held in April 1954 for the election of a board of directors to exercise the powers provided in said Part III. A proxy contest between a so-called Todd-Jacobs slate and a so-called Johnson-Romney slate resulted, on the face of the returns, in the election of five Todd-Jacobs directors and four Johnson-Romney directors. The Johnson-Romney directors challenged the regularity of the election of the Todd-Jacobs directors and proceedings with respect thereto are now pending before the Court. On December 8, 1954, the Court entered an order seating as an Interim Board the nine directors who had received the greatest numbers of votes on the face of the election returns "with only the authority and for the sole purpose of representing the Class A stockholders in all proceedings before the Securities and Exchange Commission and this Court and in particular with reference to the formulation of proposals for the consumation of Part IV (First Amendment) of the Trustee's Second Plan"

Said Part IV of the Trustee's Plan proposes that the Commission's dissolution order be modified so as to permit IHES to continue as a closed-end non-diversified investment company ("IHES Reorganized") by appropriate amendments of its Declaration of Trust and by-laws, or by formation of a new company to which will be transferred the assets remaining after payment or provision for payment of taxes, fees, expenses and liabilities of IHES; that IHES Reorganized be registered under the Investment Company Act of 1940 · and that proposed changes in the charter and by-laws of IHES be submitted to the Commission for approval, together with a statement of the assets which would become the assets of IHES Reorganized, and a statement respecting the disposition of such portfolio securities as may be required to comply with applicable statutory standards; and that cumulative voting be permitted in the election of directors.

The only securities of IHES now outstanding are 856,718 shares of Class A stock, par value $25 per share. The portfolio of IHES consists of 3 shares of 5 percent preferred stock and 313,701 common shares (18.87 percent) of Gatineau Power Company ("Gatineau") a Canadian public utility subsidiary of IHES, 462,572 common shares (4.62 percent) of New England Electric System ("NEES") a registered holding company, and 320,000 common shares (100 percent) of Eastern New York Power Corporation ("ENYP") an inactive company Aside from the Gatineau and NEES shares, the estate of IHES includes cash and cash items, the net amount of which at December 31, 1954, was approximately $12,000,000.

In the Commission's Notice of and Order reconvening the hearing on Part IV of the Trustee's Plan, issued herein on December 30, 1954, opportunity was afforded to every person having a bona fide interest in the proceedings, including the Interim Board of IHES, to file a plan on or before January 19, 1955 for the purpose of supplying definitive details and implementation with respect to Part IV or to file further proposals for amendments to or alternatives for Part IV of the Trustee's Plan. Pursuant to such notice, three plans were filed, as follows: (A) Plan of the Interim Board, (B) Plan of Central-Illinois Securities Corporation and Christian A. Johnson, Class A stockholders ("Central-Illinois Plan") and (C) Plan of Class A Stockholders Protective Committee. Reference is made to the full text of each plan on file in the office of the Commission for a complete statement thereof. Briefly, said plans are as follows:

(A) *Plan of Interim Board.* This plan, which has the support of a majority of the Interim Board, proposes:

1. That IHES be continued as a registered closed-end non-diversified investment company· that the Commission modify its dissolution order of July 21, 1942 to permit the continued existence of IHES; and that the Commission issue an order pursuant to section 3 (a) (5) of the act exempting IHES as a registered holding company from all provisions of the act except section 9 (a) (2)

2. That the IHES Declaration of Trust dated March 25, 1929, as amended, be further amended so that

(a) The name of IHES Reorganized shall not include the words "Hydro-Electric System" and shall otherwise be found by the Commission to meet the requirements of the Investment Company Act of 1940;

(b) The authorized capital stock shall consist of a single class of stock, to wit, 2,000,000 shares of common stock having a par value of $25 per share;

(c) Cumulative voting shall be provided for in the election of directors;

(d) A quorum at stockholders' meetings shall be holders or representatives of not less than 50 percent of the outstanding shares;

(e) Changes in the foregoing provisions may be made only with the consent of the holders of not less than 50 percent of the outstanding shares; and

(f) Provision shall be made for the conversion of IHES at any time after consummation of the plan and upon consent of the holders of 50 percent of the outstanding shares, from a Massachusetts voluntary association to a corporation.

Upon approval of the plan by the Commission and the Court and registration of IHES as an investment company, and upon payment of all taxes, reorganization expenses and other liabilities of IHES or satisfactory provision made therefor, the Trustee shall deliver to IHES the remaining assets and be discharged.

Class A shareholders shall receive new certificates of common stock in exchange for their present Class A shares. Provision will be made for lost, destroyed or mutilated certificates. IHES will pay such fees and expenses as the Commission and the Court may determine.

The right is reserved to alter, amend, modify or withdraw the foregoing plan.

Annexed to the plan is a statement with respect to the investment policies which IHES Reorganized will follow as an investment company which provides that it will operate as a closed-end investment company· it proposes to operate as a non-diversified company but reserves freedom of action to change to a diversified company· it has no present plan to issue senior equity securities, and will not do so without approval of a majority of the stockholders; it will borrow money from time to time as required, to the extent permitted by the declaration of trust and applicable laws and regulations; it has no present intention of concentrating its investments in a particular industry or group of industries, but may do so; without the approval of a majority of its stockholders

it will not invest more than 50 percent of its assets in any two companies (other than those in which its funds are presently invested) it will make no investment in the securities of any domestic holding company or public utility company which would make such company an affiliate; and the policy of IHES Reorganized will be to employ its capital in situations which, in the judgment of its directors, present promising opportunities of profit to the stockholders.

(B) *Plan of Central-Illinois Securities Corporation and Christian A. Johnson, Class A Shareholders.* The Central-Illinois Plan indicates that it is joined in by the four Johnson-Romney directors of the Interim Board of IHES and further states that "IHES is at the present time confronted by two major antagonistic groups of stockholders with critically diverse interests, aggravated by a bitter proxy contest, by post-election litigation, and by sharp conflict in views as to investments and management." The proponents of this plan take the position that no stockholder should be compelled to become a stockholder of an investment company against his desire, and that IHES should be liquidated unless two-thirds in interest assent to a plan which would provide for reorganization instead of complete liquidation.

The Central-Illinois Plan proposes:

1. That, subject to the assent of the holders of two-thirds of the Class A stock of IHES and to the right of withdrawal of dissenting stockholders, the interest of assenting stockholders of IHES shall continue in two closed-end non-diversified investment companies.

2. That IHES shall create two subsidiaries, designated for convenience as "Corporation A" and "Corporation B" each of which shall have a single class of stock, having a par value of $12.50 per share. The stockholders supporting the Todd-Jacobs directors will designate Corporation A as the corporation whose stock they desire to receive, and the stockholders supporting the Johnson-Romney directors will designate Corporation B. After such designation, each Class A stockholder will be solicited through materials drafted under supervision of the Trustee and approved by the Commission (a) to vote whether he assents to the plan, and if so, (b) to designate whether he elects to own stock in Corporation A or Corporation B, or both. The Trustee will report to the Commission the results of such referendum. If two-thirds of the Class A stockholders accept the plan, it will be declared effective; if not, IHES shall forthwith be liquidated and dissolved.

If the plan is declared effective, the dissenting stockholders will be entitled to receive, upon surrender of their Class A shares, their pro rata share of the net assets of the estate. The assenting stockholders shall surrender their Class A shares for the shares of Corporations A and/or B, as designated. They will receive for each Class A share two shares of Corporation A or two shares of Corporation B or one share each of Corporations A and B, in accordance with their several elections, except that the two aforesaid groups of stockholders supporting the majority and minority of the IHES board must elect to receive shares in either Corporation A or Corporation B, as indicated.

The Trustee will distribute the assets of IHES to the dissenting stockholders and to Corporations A and B, in accordance with their several rights, reserving therefrom 60 percent of the ENYP stock, which he shall turn over to a Distribution Agent to provide a fund for satisfaction of the taxes, debts, fees, expenses and other liabilities of IHES. Upon disposing of the assets of IHES the Trustee will initiate formal proceedings for the dissolution of IHES as a business trust, and he shall thereupon be discharged. ENYP will also be liquidated.

Any residue of funds in the hands of the Distribution Agent after satisfying all known liabilities will be turned over by the Distribution Agent to the former shareholders of IHES, who will be given certificates evidencing their rights thereto.

Corporations A and B shall each elect a board of directors within 30 days after the initial distribution to them of the assets of IHES. The Interim Board of Directors of IHES shall take immediate steps to list the securities of Corporations A and B on the New York Stock Exchange, and to register said companies as closed-end, non-diversified investment companies under the Investment Company Act of 1940.

The articles of incorporation of Corporations A and B will be supplied by amendment. Cumulative voting shall be permitted in the election of directors.

Until finally approved, the aforesaid plan may be altered, amended or withdrawn.

The investment policy annexed to the plan does not appear, on preliminary inspection, to be substantially different from that proposed in the plan of the Interim Board.

The effectuation of the Central-Illinois Plan is subject to the following conditions and reservations:

(a) Class A shareholders owning at least two-thirds of such stock shall assent to the plan;

(b) The Commission shall modify its dissolution order and shall find that the plan satisfies the requirements of section 11 (b) of the act, and that it is fair and equitable to all persons affected thereby;

(c) The order of the Commission shall contain appropriate recitals for tax relief pursuant to the Internal Revenue Code of 1954,

(d) The Court shall enter an order enforcing the plan, and

(e) A ruling shall be obtained from the Commissioner of Internal Revenue which shall, among other things, indicate that no gain will be recognized to any person by reason of the creation of the two corporations, or the distribution of the stocks of said companies, or the distribution of the portfolio securities of IHES, or the liquidation of ENYP and that no liability will be incurred for federal stamp taxes upon the issuance or transfer of the securities as provided in the plan.

(C) *Plan of Class A Stockholders Protective Committee.* The plan filed by the Class A Stockholders Protective Committee proposes:

1. That, subject to a vote of approval of the holders of not less than two-thirds in amount of the Class A shares, IHES shall be reorganized into a closed-end non-diversified management-investment company, registered under the Investment Company Act of 1940; and that unless at least two-thirds of the outstanding stock is voted in favor of such proposal, IHES shall be dissolved.

2. That the Interim Board of Directors of IHES shall prepare and submit for the approval of the Commission as amendments to Part IV of the Trustee's Plan the proposed charter and by-laws of IHES Reorganized, also a statement of its assets and liabilities, a proposed registration statement, an estimate of prospective earnings and expenses, and an application for exemption under section 3 (a) (5) of the act.

Cumulative voting shall be permitted in the nomination and election of directors of IHES Reorganized.

After approval by the Commission and the Court of these amendments of Part IV of the Trustee's Plan, the Trustee shall promptly call a meeting of the Class A shareholders for the purpose of voting on the reorganization of IHES as herein proposed. If the required two-thirds vote of approval is obtained, all dissenting Class A shareholders shall have 30 days from the effective date of the plan to surrender their stock and to receive in exchange for their shares their aliquot portion of the assets of IHES and all other shareholders for a period of five years shall be entitled to receive in exchange for their shares the common stock of IHES Reorganized, on a share-for-share basis.

A shareholders' meeting for the election of directors shall be held within 90 days of the effective date of the plan. The Interim Board shall serve until a new board is elected.

IHES shall pay all reorganization fees and expenses, as approved by the Commission.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the plans summarized herein and that upon the basis thereof the following matters and questions are presented for consideration at the adjourned hearing, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether it is consistent with the standards of the act that the Commission's dissolution order of July 21, 1942 be modified to permit the reorganization and continuance of IHES as an investment company; and, in the event the order is so modified, what, if any conditions the Commission should impose in connection with such modification,

2. Whether any or all of the aforesaid plans as now submitted or as hereafter modified is or are necessary or appropriate or effectuate the provisions of section 11 (b) of the act, and is or are fair and equitable to the persons affected thereby;

3. Whether, if more than one of the aforesaid plans are found to be necessary

and fair and equitable, it would be appropriate in the interest of investors for such plans to be submitted to the IHES shareholders for a vote as to which plan should be adopted;

4. Whether the accounting entries to be made in connection with the consummation of any of the several plans are appropriate; and

5. Generally whether the transactions proposed in the several plans are in the public interest and in the interests of investors and consumers and consistent with the applicable provisions of the act and the rules thereunder and whether any modifications should be required to be made, and whether any terms and conditions should be imposed to satisfy the applicable statutory standards;

It is ordered, That particular attention be directed at said adjourned hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall mail a copy of this notice to all persons previously participating in these proceedings as Class A stockholders or representatives thereof; and that notice shall be given to all other persons by general release of the Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the act; and that further notice be given to all persons by publication of this notice in the FEDERAL REGISTER.

It is further ordered, That any interested person who has not already entered his appearance herein and who desires to be heard or otherwise to participate at said adjourned hearing shall notify the Commission in the manner provided in Rule XVII of the Commission's rules of practice, not later than February 28, 1955.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F R. Doc. 55-1179; Filed, Feb. 9, 1955; 8:48 a. m.]

[File No. 811-531]

CINCINNATI FUND, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

FEBRUARY 4, 1955.

Notice is hereby given that Cincinnati Fund, Inc. ("Cincinnati") an open-end, diversified investment company registered under the Investment Company Act of 1940, has filed an application pursuant to section 8 (f) of the act for an order declaring that it has ceased to be an investment company under the act.

Cincinnati filed a notification of registration under the act on September 2, 1947. The application states that effective July 14, 1954, pursuant to stockholders' votes, Cincinnati was dissolved in accordance with the laws of Ohio, the State in which it was organized. The application, as amended, also reflects that all outstanding liabilities of the company have been paid and that its remaining assets ($713,102) amounting to $23.836 per share, have been distributed to the holders of the 29,917 shares of its capital stock.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than February 17, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F R. Doc. 55-1178; Filed, Feb. 9, 1955; 8:48 a. m.]

[File No. 813-18]

DOMINION CO. AND OSH EMPLOYEES, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION FROM ACT AS EMPLOYEES' SECURITY COMPANY AND INTRASTATE CLOSED-END INVESTMENT COMPANY

FEBRUARY 4, 1955.

Notice is hereby given that The Dominion Company ("Dominion") and OSH Employees, Inc. ("OSH") Ohio corporations, have filed a joint application and an amendment thereto pursuant to section 6 (b) and 6 (d) of the Investment Company Act of 1940 ("act") for an order exempting OSH as an employees' security company and Dominion as a small intrastate closed-end investment company from the following sections of the act and rules promulgated thereunder: Section 8 (b) except the requirement to file the information required by Items 3, 4 and 5 of Form N-8B-1, and to report thereafter any changes in respect to such matters; section 10 (a) section 14, section 17 (a) to the extent such exemption may be necessary to permit the sale by Ohio Service Holding Corporation ("Ohio") of its securities to the Applicants at a reasonable discount from the then current market value thereof; section 17 (f) and Rule N-17F-2; section 20 (a) and Rule N-20A-1, section 23 (c) and Rule N-23C-1, section 24 (d) insofar as such section makes inapplicable the provisions of section 3 (a) (11) of the Securities Act of 1933 to any securities of a registered investment company; section 30 (a) and Rule N-30A-1, section 30 (b) and Rule N-30B-1, section 30 (d) and Rule N-30D-1 to the extent that the Applicants shall be required to send reports to stockholders annually instead of semi-annually; section 30 (f) and Rule N-30F-2 to the extent that the subject persons shall not be required to file reports more than once each six months, and section 32 (a)

Ohio, a Delaware corporation, with its principal office located in Canton, Ohio, is a holding company controlling 14 telephone and ice companies which operate exclusively in the State of Ohio. Ohio has presently issued and outstanding (exclusive of treasury shares) 26,193 shares of $5 non-cumulative preferred stock with a par value of $5 per share and 8,431 shares of $1 par value common stock. The application states that since 1940 dividends of $5 per share have been paid on the preferred stock and, with the exception of the years 1944 through 1947, inclusive, dividends paid on the common stock have been $1 per share or less. There are approximately 1,600 system employees, all of whom are residents of Ohio.

Dominion was organized on May 14, 1938, by employees of Ohio and its subsidiary companies to serve as a medium whereby employees of the Ohio system could pool their funds for investment in the common and preferred stocks of Ohio. From May 14, 1938, through December 27, 1945, Dominion issued and sold to employees of the Ohio System a total of 2,237 shares of its common stock at a price of $10 per share. On December 27, 1945, the 2,237 shares of common stock of Dominion were reclassified into 4,474 shares and since that date an additional 280 shares were sold at a price of $10 per share. It is represented that Dominion is not now offering, and has no present intention of offering, any additional securities for sale. The presently outstanding 4,754 shares are owned by 158 individuals all of whom with the exception of two are either present or former employees or members of the immediate families of present or former employees. In 1951 the two individuals who are not employees of the Ohio system acquired by inheritance and now own 160 shares which had been theretofore acquired by an employee.

Dominion, a closed-end investment company as defined under the act, is not an employees' security company since the 160 shares of its stock are held by persons other than those enumerated in section 2 (a) (13) of the act, which defines an employees' securities company

As of May 31, 1954, Dominion's total assets amounted to $25,517 of which $25,240 represented the cost of 386 shares of preferred stock and 171 shares of common stock of Ohio with an aggregate current market value of approximately $75,203. It is also stated that Dominion at no time has had any employees other than its officers or directors all of whom serve without compensation.

OSH was incorporated on September 12, 1954 by certain employees in the Ohio system for the purpose of acquiring common stock of Ohio. Initially such stock will be purchased from Ohio which

has offered to sell to OSH a limited number of shares of its common stock held in its treasury at a price of $225 per share which as represented in the application is $50 below its current market price. OSH has not as yet been organized, has no shareholders nor subscribers for shares and therefore no officers or directors have been elected. It is proposed that in the near future an offer will be made to all employees of the Ohio system exclusively of all of the authorized shares of OSH amounting to 1,500 shares at a price of $25 per share payable in installments. Ownership of shares of OSH will be limited at all times to employees of the Ohio system, hence, it appears that OSH will be an employees' securities company as defined in the act. It is further represented that OSH will have no compensated officers or employees, and that it will incur no operating expenses other than organization expenses, taxes and miscellaneous office supply expenses.

Section 6 (b) of the act provides that upon application by an employees' security company, the Commission shall by order exempt such company from the provisions of the act and of the rules and regulations thereunder, if and to the extent that such exemption is consistent with the protection of investors. In determining the provisions to which such an order shall apply the Commission shall give due weight, among other things, to the form of organization and the capital structure of such company the persons by whom its voting securities, evidences of indebtedness, and other securities are owned and controlled, the prices at which securities issued by such company are sold and the sales load thereon, the disposition of the proceeds of such sales, the character of the securities in which such proceeds are invested, and any relationship between such company and the issuer of any such security.

Section 6 (d) of the act provides in substance that the Commission by order upon application shall exempt a closed-end investment company from any or all provisions of the act but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors if the aggregate sums received from the sale of all its securities, outstanding and proposed to be offered do not exceed $100,000, and if the sale of its securities is restricted to the residents of the state of its organization.

Applicants urge that the exemptions requested be granted because of the limited scope of the operations of the applicants, the small segment of the public who are or will become investors of the securities of the applicants, and the desirability of keeping the expenses of the applicants at a minimum.

Notice is further given that any interested person may, not later than February 15, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be adressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary,

[F. R. Doc. 55-1180; Filed, Feb. 9, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application No. 30216]

CRUSHED STONE FROM LITHONIA, GA., TO EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

FEBRUARY 7, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The St. Louis-San Francisco Railway Company for itself and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1315.

Commodities involved: Crushed stone, carloads.

From: Lithonia, Ga.

To: East St. Louis, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F R. Doc. 55-1183; Filed, Feb. 9, 1955; 8:49 a. m.]

[4th Sec. Application 30217]

VEGETABLE CAKE AND MEAL FROM SOUTHWESTERN TERRITORY, KANSAS AND MISSOURI TO OKLAHOMA

APPLICATION FOR RELIEF

FEBRUARY 7, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Vegetable cake, meal, cottonseed hulls and related articles, carloads.

From. Points in southwestern territory Kansas and Missouri.

To: Points in Oklahoma.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C. No. 3972, supp. 41.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F. R. Doc. 55-1184; Filed, Feb. 9, 1955; 8:50 a. m.]

[4th Sec. Application 30218]

VEGETABLE CAKE AND MEAL FROM SOUTHWESTERN TERRITORY TO TEXAS

APPLICATION FOR RELIEF

FEBRUARY 7, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Vegetable cake and meal, and related articles, carloads.

From: Points in southwestern territory.

To: Points in Texas.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C. No. 3972, supp. 41.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investi-

gate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55-1185; Filed, Feb. 9, 1955; 8:50 a. m.]

[4th Sec. Application 30221]

PAPER BOXES FROM KRANNERT, GA., TO BELLEVILLE AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

FEBRUARY 7, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by The St. Louis-San Francisco Railway Company, for itself and on behalf of carriers parties to Agent C. A. Spanninger's tariff I. C. C. No. 1218, pursuant to fourth-section order No. 16101.

Commodities involved: Boxes, fibreboard, pulpboard or strawboard (paper boxes) and cartons, carloads.

From. Krannert, Ga.

To: Belleville and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55-1188; Filed, Feb. 9, 1955; 8:51 a. m.]

[4th Sec. Application 30219]

COAL FROM MINES IN INNER AND OUTER CRESCENT DISTRICTS TO COLUMBUS AND MARION, OHIO

APPLICATION FOR RELIEF

FEBRUARY 7, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by The Louisville and Nashville Railroad Company for itself and on behalf of carriers parties to schedule listed below.

Commodities involved: Bituminous coal, in carloads.

From. Mines in the Inner and Outer Crescent districts.

To: Columbus and Marion, Ohio.

Grounds for relief: Rail competition, circuity, to maintain grouping, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1174, supp. 45.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55-1186; Filed, Feb. 9, 1955; 8:51 a. m.]

[4th Sec. Application 30220]

CRUSHED SLAG FROM MIDDLETOWN, OHIO, TO BALTIMORE, MD.

APPLICATION FOR RELIEF

FEBRUARY 7, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by H. R. Hinsch, Agent, for the Baltimore and Ohio Railroad Company.

Commodities involved: Slag, crushed, carloads.

From: Middletown, Ohio.

To: Baltimore, Md.

Grounds for relief: To apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F. R. Doc. 55-1187; Filed, Feb. 9, 1955; 8:51 a. m.]